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**MONTCLAIR LUCKY
SUPERMARKET
Environmental Impact Report**

May 20, 1992

ER-90-91

SCH#91013094



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File No. ER90-91

City of Oakland
Oakland, CaliforniaRef. No. SCH 91013094RELEASE OF REPORT FOR PUBLIC REVIEW

California Environmental Quality Act (CEQA)

DRAFT ENVIRONMENTAL IMPACT REPORT FOR:OAKLAND-MONTCLAIR LUCKY'S SUPERMARKET

The City of Oakland is hereby releasing this Draft Environmental Impact Report (EIR) for the proposed Oakland-Montclair Lucky's, finding it to be accurate and complete and ready for public review. Members of the public are invited to respond to the EIR. Comments should focus on the sufficiency of the EIR in discussing possible impacts on the environment, ways in which adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors. Please address all comments to the Oakland City Planning Commission, Attention Charles S. Bryant, Environmental Review Coordinator, Oakland City Planning Department, 1330 Broadway, Suite 310, Oakland, CA 94612. Comments should be received no later than Friday, July 3, 1992.

- ☒ The City Planning Commission will conduct a public hearing on the Draft EIR on June 10, 1991 at 6:30 p.m. in the Garden Center, Lakeside Park, 666 Bellevue Avenue.
- ☒ After all comments are received, a Final EIR will be prepared and considered for acceptance by the City Planning Commission on (to be scheduled) at 6:30 p.m. in the Garden Center, Lakeside Park, 666 Bellevue Avenue.
- ☒ The Draft EIR is attached.
- ☐ The Draft EIR is available at the City Planning Department.

If you have any questions, please telephone the City Planning Department at 238-3941. Ask for Michelle D. Hightower.

Alvin D. James
Director of City Planning

by: CHARLES S. BRYANT
Environmental Review Coordinator

**MONTCLAIR LUCKY SUPERMARKET
DRAFT ENVIRONMENTAL IMPACT REPORT**

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I. INTRODUCTION

This Draft Environmental Impact Report (Draft EIR) has been prepared in conformance with the California Environmental Quality Act (CEQA) and its applicable implementing guidelines.

The City of Oakland prepared an Initial Study on September 13, 1990, on the proposed Montclair Lucky's Supermarket project (see Appendix A). Although the proposed project size varies slightly from the project description as noted in the Initial Study, the analysis remains applicable. On the basis of the Initial Study, the City determined that the proposed project would not result in potential significant effects with respect to the following environmental issues:

<u>Geophysical</u>	Substantial depletion of a nonrenewable natural resource or inhibition of its extraction.
<u>Air and Water</u>	Substantial degradation of water quality; changed drainage patterns or increased rates or quantities of surface water runoff; interception of an aquifer by cuts or excavations.
<u>Biotic</u>	Reduce the quantity of fish and wildlife in the project vicinity, interfere with migratory or other natural movement patterns, degrade existing habitats or require extensive vegetation removal; reduce the numbers of any rare or endangered species of plants or animals.
<u>Land Use and Socio-Economics</u>	Conflict with approved plans for the area or the Oakland Comprehensive Plan; carry the risk of an explosion or the release of hazardous substances, including oil, pesticides, chemicals or radiation; impose a burden on public services or facilities including fire, solid waste disposal, police, schools or parks; impose a burden on existing utilities including electricity, gas, water, and sewers; destroy, deface or alter a structure, object, natural feature or site of historic, architectural, archaeological or aesthetic significance; involve an increase of 100 or more feet in the height of any structure over any previously existing adjacent structure.

As permitted by CEQA, these environmental effects will not be addressed further in the Draft EIR on the proposed project.

The Initial Study identified the following potentially significant environmental effects that could or would result from implementation of the proposed project:

Geophysical

Unstable earth conditions, including erosion or slides, or changes in geologic substructures either on or off the site; major changes in topography or ground surface relief features; construction on loose fill or other unstable land which might be subject to slides or liquefaction during an earthquake; construction within 0.25 miles of an earthquake fault.

Air and Water

Substantial air emissions, deterioration of ambient air quality or the creation of objectionable odors.

Land Use and Socio-Economics

Require relocation of residents and/or businesses; cause a substantial alteration in neighborhood land use, density or character; generate substantially increased vehicular movement or burden existing streets or parking facilities; elicit substantial public controversy or opposition; have a substantial impact on existing transportation systems or circulation patterns; result in a substantial increase of the ambient noise levels for adjoining areas; use or encourage use of substantial quantities of fuel or energy.

This Draft EIR evaluates these potentially significant environmental effects of the proposed project, and also evaluates various other potential effects that could result from implementation of the project. The Draft EIR also identifies measures that would mitigate potentially significant effects of the project or reduce other non-significant effects.

It should be noted that analysis for the Draft EIR, including traffic and parking surveys, was performed prior to the October 1991 East Bay Hills fire.

II. SUMMARY

PROJECT DESCRIPTION

The new Lucky Supermarket would be located in the middle of a rectangular shaped block in the Montclair area of the City of Oakland, just east of State Route 13. The project site block is bounded by Moraga Avenue on the west, Medau Place on the south, Mountain Boulevard on the east, and the Montclair Recreation Center on the north.

The project site is roughly rectangular in configuration, and has an area of about 59,950 sq. ft. The proposed project building would occupy approximately 30,000 sq. ft. of the western portion of the site, with the main store entrance fronting on Mountain Boulevard and a truck loading dock and basement parking entrance fronting on Moraga Avenue. The project site is zoned C-27, Village Commercial. The project site currently contains a 175-space surface parking lot.

Lucky Stores, Inc. proposes to construct a new three-level supermarket/parking structure at 1991 Mountain Boulevard and move its supermarket operations from an existing 22,000 sq. ft. Lucky Supermarket adjacent to the project site. The proposed project structure would consist of a three-level building of 88,080 sq. ft. total, with a main floor supermarket of 27,880 sq. ft., a basement storage area of 6,170 sq. ft., a basement parking area and loading dock of 23,370 sq. ft., and a roof level parking deck of 30,660 sq. ft. Customer access to these three levels would be via speed ramps (moving sidewalks), an elevator, and a stairwell. Along the Moraga Avenue frontage, the proposed structure would be up to 48 feet in height, while on the Mountain Boulevard frontage the building would be 32 feet tall, and 49 feet tall at the taller of two towers.

The project would contain 178 off-street parking spaces, 46 in the basement level, 78 on the roof level, and 54 in the new main level surface parking lot. Vehicle access to the roof level parking deck would be via a two-way ramp located on the northern end of the proposed building facing Mountain Boulevard. Vehicle access to the basement parking area would be via a two-way driveway from Moraga Avenue. There

would also be a two-way ramp connecting the main level parking lot fronting on Mountain Boulevard and the basement level parking area; this ramp would allow vehicle access between Moraga Avenue and Mountain Boulevard through the project site.

A total of approximately 100 employees would be employed at the new Lucky Supermarket, of whom about 80 would be relocated from the existing store. During peak periods, the new store would have approximately 50 to 60 employees working on-site. It is assumed that the existing Lucky Supermarket building would be converted to a general (non-supermarket) retail use. There would be about 46 full-time employees in the vacated Lucky Supermarket building.

The proposed project would require a number of discretionary approvals from the City, including Design Review, a minor zoning variance, a major conditional use permit, and a major encroachment permit.

IDENTIFIED IMPACTS AND MITIGATION MEASURES

Those environmental impacts identified in this EIR and associated mitigation measures are summarized in Table S, "Environmental Impact of the Project, Mitigation Strategy, and Level of Significance After Mitigation."

UNAVOIDABLE SIGNIFICANT ADVERSE EFFECTS

Development of the project would result in significant adverse effects that could not be mitigated to less than significant levels:

During project operation, traffic generated by the project would have an adverse impact on local air quality by increasing CO concentrations at intersections in the project vicinity that would be in violation of the CO standards. These air quality impacts could be reduced, but probably not to a level of insignificance.

CUMULATIVE EFFECTS

Development of the project would increase the intensity of urban uses in the site vicinity. The project structure would add cumulatively to the increased visibility of the site vicinity in long-range and short-range views. Operation of the project would

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
A. <u>Land Use, Zoning and Plans</u>		
Development of the proposed project would be an intensification of land use at the project site and could induce owners of land parcels in the site vicinity to redevelop sites of existing low-intensity commercial uses with higher-density commercial uses.	None identified. The City Planning Commission, in making decisions regarding approval or disapproval of this project, could provide direction for the types and intensities of future development in the site vicinity.	Not significant.
5 Development of the proposed project would require a major conditional use permit for general food sales and alcoholic beverage sales activities within a C-27 Zone. The project would also require a minor zoning variance in order to exceed the 30-foot height limit and 10-foot interior side-lot line setbacks when a C-27 Zone abuts on R-30 Zone. The project would require a major encroachment permit in order to allow retaining walls to encroach on a public right-of-way. The project would be subject to design review. In addition, while the project would provide sufficient parking, it would eliminate parking currently provided for the existing Lucky and Bank of America buildings, which would become nonconforming uses.	None identified. The City Planning Commission will consider approval or disapproval of the applications for Conditional Use Permits, zoning variance, and the major encroachment permit in the context of effects on adjacent properties. Design review is a staff decision that may be appealed to the City Planning Commission.	Not significant.
B. <u>Transpotation, Parking and Circulation</u>		
Trucks delivering building materials to the site and hauling excavation materials from the site would increase traffic on local streets during the construction period, causing some traffic and bus delays, but not to a level that would be significant. Construction truck traffic could add to roadway maintenance needs.	The construction manager should limit truck traffic to occur between the hours of 9:00 a.m. and 3:30 p.m. The City should enter into a development agreement with the project sponsor to contribute to street maintenance and repair costs attributable to truck traffic.	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Construction workers travelling to and from the site would generate traffic in the site vicinity. Construction workers would drive to the site, requiring parking for vehicles during work hours. There is currently a parking deficit in Montclair Village. Because construction would start before business and stores opened, construction workers would occupy parking spaces used by clients and shoppers.	The City should require the construction site manager to obtain off-site parking and to shuttle construction workers to the construction site during the entire construction period. Off-site accommodation of parked construction worker vehicles would avoid further aggravation of overloaded parking conditions in Montclair Village.	Not significant.
During the first 34 weeks of construction, about 53 of the existing 175 parking spaces in the Lucky Supermarket parking lot would be available for customer parking, and the existing Lucky store would remain open. During the final 14 weeks of construction, no on-site parking would be available, but neither the existing nor the new Lucky store would be open. The temporary loss of about 100 parking spaces in the lot during the construction period would be an unavoidable, but temporary impact.	The project sponsor and other shopping center businesses should enter into a validation agreement with the Montclair Parking Garage for free use of Garage parking spaces by shopping center patrons during project construction. They should advertise this parking option to patrons. The project sponsor should provide incentives to Lucky patrons such as delivery of groceries to vehicles parked in the Montclair Parking Garage or vehicle pickup and attendant loading of groceries at the existing Lucky Supermarket.	Not significant.
Project generated traffic would degrade existing LOS C conditions on the Mountain Boulevard / Thornhill Drive intersection to LOS F during the Saturday peak hour.	The project sponsor should contribute to construction of a westbound left-turn lane on Thornhill Drive at the Mountain Boulevard / Thornhill Drive intersection, and installation of signal phasing to accommodate left turns. These additions would improve Saturday peak hour operations to LOS C. Weekday operations would remain at LOS D, an acceptable level of service. These improvements would require the City to purchase land for right-of-way, construct sidewalks, prohibit some on-street parking, and eliminate or move a bus stop. Coordination with AC Transit would be required.	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
With the addition of project traffic, turns from the Lucky Supermarket parking lot onto Mountain Boulevard would degrade from LOS C to LOS F during the Saturday peak hour, and turns from the parking lot onto Moraga Avenue would degrade from LOS E to LOS F during the weekday peak hour. If left turns from the Lucky Supermarket onto northbound Mountain Boulevard were prohibited, these vehicles would make a series of right turns through the Mountain Boulevard / Medau Place intersection to Moraga Avenue.	The City should prohibit left turns from the Lucky Supermarket onto northbound Mountain Boulevard on Saturdays from 11:00 a.m. to 4:00 p.m. on a two-month trial basis. If left turns were prohibited, these vehicles would have to make a series of right turns, through the Mountain Boulevard / Medau Place intersection to Moraga Avenue. Signalization of the Moraga Avenue / Medau Place intersection (see below) would allow traffic to flow from the Mountain Boulevard / Lucky Supermarket driveway onto northbound Moraga Avenue. At the end of the trial, the City could assess the operations of the Mountain Boulevard / Moraga Avenue intersection. Signalization of Mountain / Medau would also improve operations at the Moraga / shopping center intersection.	Not significant.
Project traffic would contribute to the existing LOS E conditions at the Moraga Avenue / Thornhill Drive intersection during the weekday p.m. peak and existing LOS F conditions at Saturday peak hours.	The project sponsor should contribute to improvements at the Moraga Avenue / Thornhill Drive intersection, including permitting southbound left turns from Moraga Avenue onto Thornhill Drive, which would improve weekday p.m. peak hour operations to LOS C. Allowing a longer green time for northbound traffic on Moraga Avenue would improve Saturday peak hour level of service from LOS F to LOS D, an acceptable level of service. These improvements could increase the potential for vehicle conflict and accidents.	Not significant.
Project traffic would contribute to existing LOS F conditions for westbound traffic approaching the Moraga Avenue / Medau Place intersection during the weekday p.m. peak and Saturday peak hours.	The project sponsor should contribute to signalization of the Moraga Avenue / Medau Place intersection. Signalization of this intersection would improve total intersection operations to LOS B. Drivers turning onto	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	Moraga Avenue from the shopping center driveway would experience LOS F during the weekday and Saturday peak hour. If the Moraga Avenue / Medau Place intersection were to be signalized, gaps in the traffic created by the traffic signal would allow drivers to turn onto Moraga Avenue, thus improving LOS at the Moraga Avenue / shopping center driveway. Although there is not a large enough volume of traffic to clearly warrant a traffic signal at the Moraga Avenue / Medau Place intersection, placement of a traffic signal would provide smoother traffic flow to an acceptable service level at the intersection.	
Project traffic would contribute to existing LOS F conditions for westbound traffic approaching the Mountain Boulevard / Moraga Avenue intersection during the weekday p.m. peak and Saturday peak hours.	The project sponsor should contribute to the signalization of the Mountain Boulevard / Moraga Avenue intersection. Project traffic would contribute to traffic volumes satisfying the peak-hour traffic signal warrant. Signal control at this intersection would improve operations to LOS B, an acceptable level of service.	Not significant.
	The project sponsor should contribute to coordination of signals on Moraga Avenue at Mountain Boulevard, LaSalle Avenue, and Medau Place.	
Project traffic would worsen operations for Medau Place traffic at the Mountain Boulevard intersection from LOS C to LOS E in the Saturday peak hour.	The project sponsor should contribute to installation of four-way stop controls at the Mountain Boulevard / Medau Place intersection; this would improve Saturday peak-hour operations to LOS C.	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
During project operation, there would be excess demand for parking spaces on-site during the weekday and Saturday peak hours. These displaced shoppers would attempt to find parking spaces on-street or in another off-street parking lot. The addition of displaced parkers wishing to use on-street parking spaces would add to an already overcrowded situation, forcing shoppers to park on the business district fringes away from primary shopping destinations.	The project sponsor and owners of other businesses in the shopping center should enter into a validation agreement with Montclair Parking Garage for free use of Garage parking spaces by patrons so that most of the shopping center peak parking demand could be accommodated either on-site or at the garage. The project sponsor and owners of other businesses in the shopping center should advertise this parking option to patrons. The City and owners of the shopping center businesses should enter into an agreement with the Montclair Parking Garage to obtain necessary financing to improve access to the Garage through construction of a pedestrian walkway and elevator. The project sponsor and owners of other businesses in the shopping center should require their employees to park in the Montclair Parking Garage. The project sponsor should reduce parking demand through implementation of transportation demand management strategies, which could include provision of home delivery of groceries, provision of shop-at-home services, and adoption of alternative transportation incentives for employees.	Not significant.
The project would not meet state handicapped parking requirements.	The project sponsor should increase the number of proposed handicapped spaces from one to two per level.	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
C. <u>Geology and Seismicity</u>		
In order to prepare the site for grading and earth work, all obstructions including designated utilities, designated fences, designated light standards and their associated foundations, parking lot attendant booths, asphaltic concrete and baserock, rubble and debris would have to be cleared from the site. If these materials were not stored or disposed of properly, they could create a safety hazard and/or an aesthetic nuisance.	To minimize safety hazards and aesthetic nuisances all obstructions cleared from the area during site preparation should be stored properly on-site or disposed of at an approved location. Where possible, these materials should be re-used (i.e. asphalt for backfill as specified in the project sponsor's geotechnical report). To assure preparation of surface grades, all grading plans should be reviewed by a certified engineering geologist or registered geotechnical engineer. In addition, all operations should be conducted under the supervision of a certified engineering geologist or registered geotechnical engineer following the specifications outlined in the geotechnical report. Compaction and backfilling should be done following the same guidelines. All other recommendations for development specified in the sponsor's geotechnical reports should be implemented as part of the project.	Not significant
Excavations for the basement may be up to six feet deep. Given the depth of excavation, it is likely that groundwater would be encountered. If the basement is constructed without proper dewatering, the presence of water could, over time, threaten the structural integrity of the basement and above structures.	During excavation, dewatering should be done in order to provide dry working conditions and a proper subgrade for basement construction. This should be done as specified in the sponsor's geotechnical report.	Not significant.
As part of the basement construction, vertical excavations on the order of six feet would be anticipated. If the excavation walls were not properly braced or shored, failure could occur.	To prevent failure of excavation walls and/or slopes, walls and slopes should be shored and braced. All shoring schemes should follow the recommendations of the geotechnical report and adhere to OSHA requirements.	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
In a major earthquake, the entire project site could experience violent to severe ground shaking of VII or VIII on the Modified Mercalli Intensity Scale. This type of groundshaking is characterized by peak ground accelerations of 0.1 to 0.3 g. Groundshaking of this magnitude could dislodge, overturn, and/or eject items on display within the Lucky Supermarket and result in property damage and injuries. Because the Lucky Supermarket would have to be constructed in compliance with the latest building code(s), collapse of the structure would be unlikely.	In order to minimize the effects of groundshaking on planned structures, all design plans should be reviewed by a California-licensed structural engineer and should adhere to all relevant building codes, such as the Uniform Building Code. To minimize the potential for items to fall from shelves during an earthquake, all shelves should be horizontal, and if possible, sloped away from the aisles. In addition, shelves should have "fences" along the aisle-side edges. Due to the close proximity of the site to the Hayward fault and the expected high occupancy of the proposed new supermarket, seismic design forces should be increased to 1.5 times current building code requirements, per the recommendation of the City of Oakland Seismic Safety Division. Due to the close proximity of the site to the Hayward fault and the expected high occupancy of the proposed new supermarket, the project sponsor should provide for building construction to be monitored continuously by a licensed structural engineer. The project sponsor should design the building structure and foundation system to account for the displacement and differential movement that could result from an earthquake. The expected magnitude of such movements would be determined by a geotechnical consultant.	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	Prior to construction, the project sponsor should ensure that the location of the fault shear zone and setback limits are accurately delineated by a licensed surveyor. The project sponsor should provide for a licensed geologist to be on-site during excavation to ensure that no unknown branches of the Hayward fault cross the footprint of the proposed project building. Special consideration should be given to the design of the connection between the main structure and the parking access ramp to minimize damage, in the event of a surface rupture. Because emergency response to the site could be seriously delayed after an earthquake, the Montclair Lucky Supermarket should have an emergency operating procedures plan. Part of this plan should include having personnel trained in basic first-aid.	
There is the potential for surface rupture along the fault trace that crosses the project site through the proposed surface parking lot and beneath the planned ramp to the rooftop parking area.	To reduce the threat of ground rupture-related injuries, all structures for human occupancy would be set back 20 feet from the fault trace identified in and specified by the geotechnical report.	Not significant.
D. <u>Visual Quality</u>		
The project would fill in approximately the western half of the existing parking lot with a structure. The project structure would have a "footprint" of about 30,000 square feet and would	The project sponsor would plant trees and shrubs in the remaining street-level parking area off of Mountain Boulevard and would plant street trees along the Moraga Avenue	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
be about 40 feet in height along the Moraga Avenue frontage, and up to about 48 feet tall at a mechanical penthouse. A tower on the east side of the building would rise up to 50 feet above Mountain Boulevard. The project would also include regrading the site so that the remaining ground-level parking area (the eastern half of the project site) would no longer slope but would be on the same elevation as Mountain Boulevard. The stucco exterior of the project would be similar to several existing buildings in Montclair Village, and would not be similar to wood and shingled buildings. The towers that would be included in the building design are found on some nearby buildings. The arches that would be included in the design would be a new architectural element in Montclair Village.	side of the building in order to visually soften views of the project site from Mountain Boulevard. The project sponsor should include in the building design variation in the textures and/or color of the Moraga Avenue facade above the parking / loading level to reduce the apparent mass of the building.	Not significant.
Light and glare from the rooftop parking area would be visible from some vantage points from which the existing surface parking area cannot be seen.	The project would include a solid wall about four feet high around the rooftop parking area. The project sponsor should use exterior lighting that would create minimum spillover off-site, consistent with personal safety.	
E. <u>Air Quality</u>	The construction contractor should sprinkle all unpaved construction areas with water at least twice per day, or use chemical dust palliatives, during excavation to reduce dust emissions. Additional watering should be carried out on hot or windy days, and construction activities should stop altogether when winds exceed 11 miles per hour. Watering or application of chemical dust palliatives could reduce particulate emissions by about 50%.	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	The construction contractor should cover trucks hauling dirt and debris to reduce spillage onto paved surfaces. The construction contractor should use canvas drapes to enclose building floors during the application of mineral-base fiber insulation to structural steel frames. The construction contractor should sweep up dirt or debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over these surfaces.	
Heavy equipment used in the construction of the project, as well as the automobiles transporting workers to and from the site, would generate criteria air pollutant emissions.	The contractors should maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and equipment should be running only when necessary. Engines should be shut off when trucks are loading, unloading or waiting. Equipment should also be kept in good condition and well-tuned, to minimize exhaust emissions.	Not significant.
The project would have an adverse impact on regional air quality by increasing O ₃ , HC and NO _x emissions. These emissions would not be significant under any of the Bay Area Air Quality Management District (BAAQMD) tests of significance. The most efficient way to reduce O ₃ emissions is to reduce HC emissions. O ₃ emissions could be reduced by decreasing motor vehicle use.	The project sponsor should enhance existing AC Transit bus stops near the project site to encourage the use of public transportation and thereby decrease vehicle trips. Employ mitigation measures suggested in Section B. Transportation of this EIR in order to reduce traffic congestion. A reduction in traffic congestion would lead to lower CO concentrations at project-impacted intersections.	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

<u>ENVIRONMENTAL IMPACT</u>	<u>MITIGATION STRATEGY</u>	<u>LEVEL OF SIGNIFICANCE AFTER MITIGATION</u>
The project would have an adverse impact on local air quality by increasing CO concentrations at intersections in the project vicinity. CO emissions could be reduced by decreasing motor vehicle use.	The project sponsor should implement an alternative transportation incentives program for project employees to reduce vehicle trips.	Implementation of these measures would reduce CO air quality impacts of motor vehicle related emissions, but probably not to a level of insignificance.
F. <u>Noise</u>		
15 Construction of the project would generate relatively high noise levels on and near the construction site. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise source and receptor.	Construction noise would be temporary. To reduce this less-than-significant impact, the construction contractor should limit construction activities to the period between 8:00 a.m. and 5:00 p.m., Monday through Friday, to avoid the most noise-sensitive times for nearby sensitive receptors. The City should require the contractor to muffle and shield intakes and exhausts, shroud or shield impact tools, and use electric-powered rather than gasoline- or diesel-powered construction equipment. The City should require the contractor to use shielded pile driving equipment and to pre-drill pile holes where feasible, to reduce the noise and vibration generated by pile driving.	Not significant.
G. <u>Energy</u>		
Natural gas consumption at the project site would be about 1.2 million cubic feet per year, or 1.4 billion British thermal units (Btu/year). Electrical	Energy use would not be significant. However, to reduce this less-than significant effect, the City could require that the project	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
consumption would be about 1.6 million kilowatt-hours per year, equivalent to 5.4 billion Btu/year.	sponsor install high-efficiency lamps for all parking lot lighting. The project sponsor could design open space and landscaped areas around the project site to minimize paved areas. This would help decrease outdoor temperatures around the building, reducing the cooling load in warm weather.	
H. <u>Biology</u>		Not significant.
There are no threatened or endangered plant or animal species located on the project site.	None required.	
16 The project sponsor proposes to construct the proposed structure adjacent to ten redwood trees located on the adjacent park property. Although trees will not be directly removed they may receive impacts from foundation construction, pruning and shading.	The construction contractor, during construction, and the project sponsor, when the project is complete, should minimize human traffic and equipment use within the dripline area of the adjacent redwood trees to reduce soil compaction and damage to the trees. The trees should be irrigated and fertilized as needed. The remaining trees should be monitored for five years and if any die within that time period (or show signs of serious decline in vigor) the city will be compensated according to the value of the tree determined by the arborist's report. A written agreement between Lucky Stores and the Office of Parks and Recreation concerning replacement of dead or severely damaged trees should be formalized before any construction-related activities proceed on-site. The City, as a condition of project approval, should require the project sponsor to present an approved landscaping program that would specify the species and quantity of trees,	Not significant.

TABLE S: ENVIRONMENTAL IMPACT OF THE PROJECT, MITIGATION STRATEGY, AND LEVEL OF SIGNIFICANCE AFTER MITIGATION
(Continued)

ENVIRONMENTAL IMPACT	MITIGATION STRATEGY	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	shrubby, and ground cover to be planted. The landscaping program should include a written commitment from the project sponsor to maintain, and replace where necessary, all plantings. The project sponsor should incorporate appropriate California native species in the landscaping program. These plants provide food for regional wildlife, and nesting and resting areas for common bird species. Additionally, these species have relatively low water and maintenance requirements because they have adapted to the climate of the Oakland region. The California Native Plant Society has set forth the following general principles for revegetation and landscaping that could be followed by the project sponsor: • Trees, shrubs, and other herbaceous plants should be used which are indigenous to the project site. • If non-indigenous plants are desired for the purpose of form, floral characteristics, or function (e.g., ground covers), species selected should be those which are unlikely to hybridize with local flora, in order to preserve the integrity of the gene pool of the local native species. • The use of aggressive, exotic plant species should be avoided. Where aggressive exotics could threaten native flora, this fact should be made of record. The use or proliferation of invasive species such as french broom and pampass grass should be discouraged.	

contribute daily and p.m. peak-hour vehicle trips to some local streets and intersections, thereby increasing related vehicle emissions and ambient noise levels on some local roadway segments. Operation of the project would add cumulatively to the demand for water and energy resources, and to increases in amounts of wastewater and solid waste generated for treatment and disposal. Cumulative impact analysis presented below in Chapters IV and VI. This document includes consideration of other known and reasonably foreseeable development projects in the vicinity of the project site.

GROWTH-INDUCING IMPACTS

The proposed project would add additional retail commercial activities to the project site and would add a total of 178 off-street parking spaces to the site, after replacing 175 off-street parking spaces now on the site and eliminating five on-street spaces. Development of the proposed project could induce property owners in the site vicinity to redevelop existing low-density commercial uses with higher-density commercial uses. The project would generate about 20 new employees on site and about 46 new full-time employees on the existing vacated Lucky Supermarket site, who would have an insignificant impact on demands for new housing, City services, and on retail goods and services in the project area.

ALTERNATIVES

ALTERNATIVE A: NO-PROJECT

The No-Project Alternative would entail no changes to the project site and the continued use of the existing Lucky Supermarket. The new Lucky Supermarket with its basement and roof parking would not be developed on the site. Conditional use and encroachment permits would not be required.

The environmental impacts resulting from development and operation of the proposed project, described in the environmental impact sections of this document, would not occur at the site and in the vicinity; existing environmental conditions would remain essentially as described in the environmental setting sections of this report. If the proposed project were not built and the existing Lucky Supermarket continued to operate, the seismic risk to customers and employees could be similar to the risk currently faced by people on the site.

ALTERNATIVE B: ALTERNATIVE SITES

There is no feasible alternative site for the proposed project (approximately 60,000 sq. ft.) in the already built-out commercial district of Montclair Village. Construction of the project at an alternative site would negate the objective of the project, which was to provide a more efficient and modern Lucky Supermarket to serve the Montclair area.

ALTERNATIVE C: REDUCED SCALE

This alternative would consist of constructing a new supermarket of approximately the same size as the existing 27,000 sq. ft. Lucky Supermarket (16,000 sq. ft. main floor market) and eliminating the roof and basement parking levels proposed as part of the project. The new supermarket would be located on the southwestern portion of the existing surface parking lot and would eliminate approximately 40 existing surface level parking spaces. This alternative would allow direct surface level access between Moraga Avenue and Mountain Boulevard through the northern portion of the project site.

Under this alternative, project trip generation and traffic impacts would be about 65 percent of that of the project; parking demand for the proposed Lucky store lot, including the new supermarket and other uses, would be less than with the project, but fewer spaces would be provided. The parking shortfall would be about six spaces fewer than with the project. This alternative would reduce the height and size of the structure and consequently reduce the visual impacts of the project on the site vicinity. There would be no light or glare impacts from rooftop parking. Construction noise impacts would be slightly less than with the project due to a shorter construction period, but the absolute construction noise level would remain the same. Operational air quality and noise impacts would also increase in the surrounding area, compared to existing conditions, but by less than with the project. Carbon monoxide effects would continue to be significant, assuming reoccupancy of the existing Lucky building. Other environmental impacts discussed in the environmental impacts sections of this document would remain approximately the same with this alternative as with the proposed project.

ALTERNATIVE D: ALTERNATIVE DESIGN

This alternative would consist of eliminating the roof level parking proposed as part of the project and instead constructing two basement parking levels. This alternative would contain the same size supermarket as the proposed project. The second level of basement parking would contain approximately 70 parking spaces. Project parking areas would still include enough parking stalls to meet the minimum total of 170 parking stalls calculated in this EIR for the project.

Installing a second basement parking level and eliminating the roof level parking area would allow the project, under this alternative, to contain a similar number of parking spaces as the proposed project. Therefore, this alternative would have similar traffic and parking impacts as the proposed project; the number of unaccommodated vehicles would be about eight greater at peak parking demand than under the project. This alternative would reduce the height of the structure and consequently reduce the visual impacts of the project on the site vicinity. There would be no light or glare impacts from rooftop parking. Other environmental impacts discussed in the environmental impacts sections of this document would remain approximately the same with this alternative as with the proposed project.

ALTERNATIVE E: MITIGATED ALTERNATIVE

This alternative would consist of the proposed project with the incorporation of the mitigation measures identified in this report (see Table S).

Under the Mitigated Alternative, project impacts would be reduced; this alternative would not eliminate all significant impacts. Operational carbon monoxide effects would remain a significant, unavoidable impact.

III. PROJECT DESCRIPTION

Lucky Stores, Inc. proposes to construct an 88,080-sq. ft. building containing a new Lucky Supermarket, along with two levels of parking, loading, and storage at 1991 Mountain Boulevard in the Montclair area of Oakland. The new store is proposed on the existing parking lot adjacent to the existing 28,000 sq. ft. Lucky Supermarket building, and would replace a 175-space surface parking lot with a three-level building containing 124 off-street parking spaces and a 54-space off-street surface parking lot, for a total of 178 off-street spaces. The existing Lucky Supermarket would be vacated and possibly converted to other retail use.

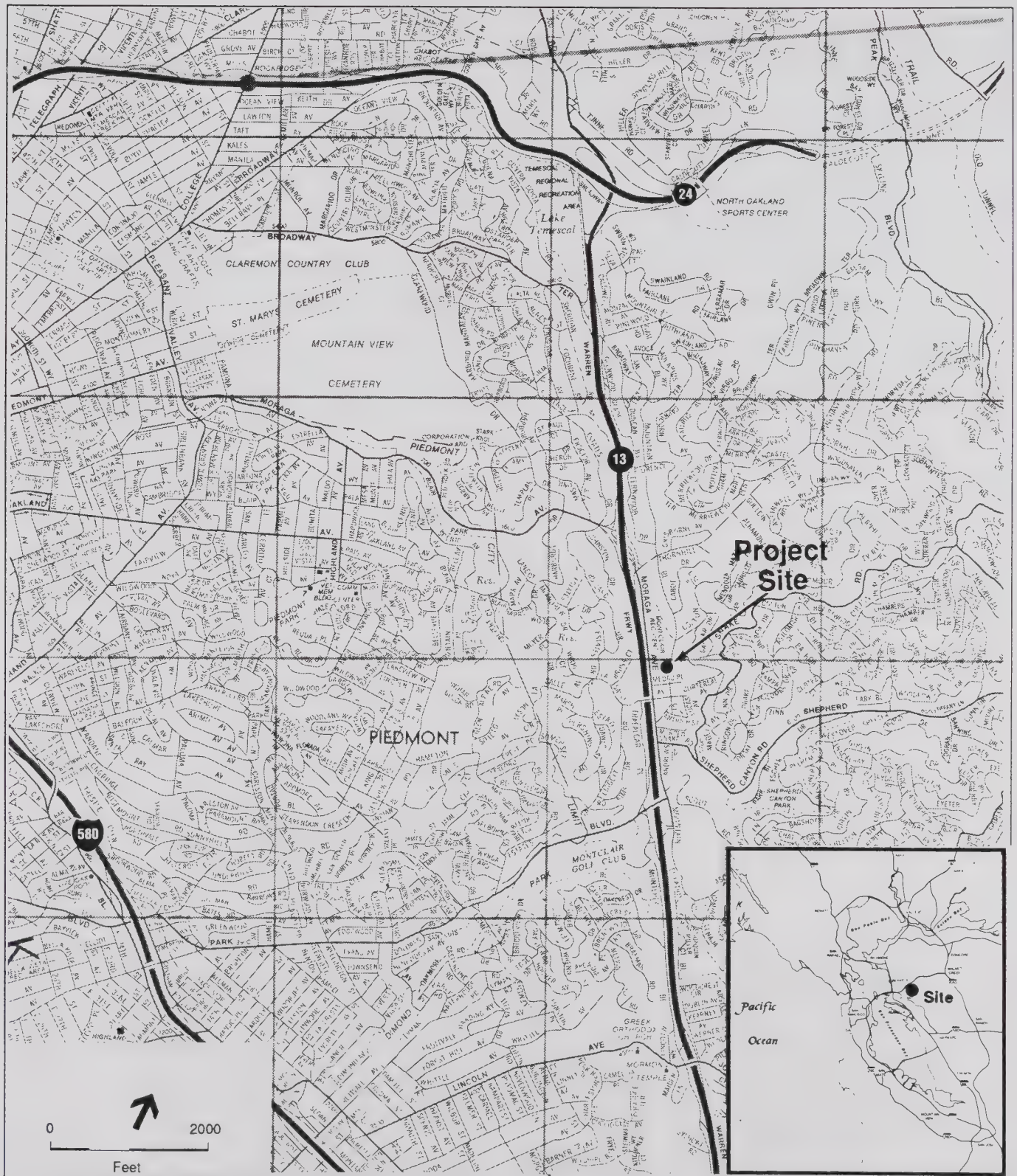
This section describes the various attributes of the proposed project including the project location, project characteristics, the project sponsor's objectives, and discretionary approvals required from the City.

A. PROJECT LOCATION

The new Lucky Supermarket would be located in the middle of a rectangular shaped block in the Montclair area of the City of Oakland, just east of State Route 13 (see Figure 1). The project site block is bounded by Moraga Avenue on the west, Medau Place on the south, Mountain Boulevard on the east, and the Montclair Recreation Center on the north.

The project site is roughly rectangular in configuration, and has an area of about 59,950 sq. ft. It has a gentle downslope from east to west (between four percent and seven percent). The proposed project building would occupy approximately 30,000 sq. ft. of the western portion of the site, with the main store entrance fronting on Mountain Boulevard and a truck loading dock and basement parking entrance fronting on Moraga Avenue (see Figure 2).

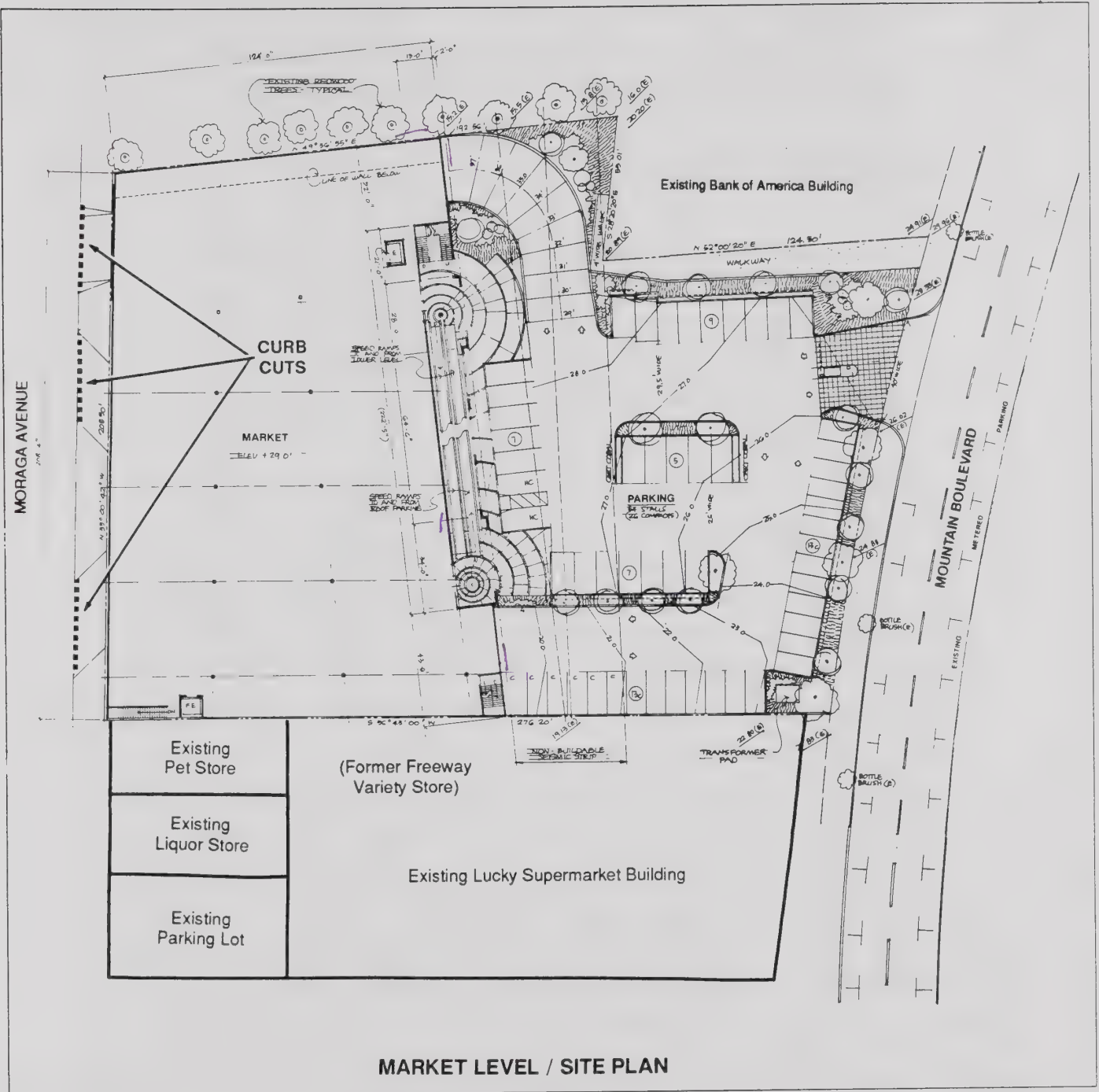
The project site is zoned C-27, Village Commercial Zone. The project site currently contains a 175-space surface parking lot. Surrounding land uses immediately to the north include the Montclair Recreation Center and a three-story commercial building. Adjacent land uses to the south and east consist primarily of single-story commercial buildings; to the east across Mountain Boulevard are two-story commercial buildings;



SOURCE: California State Automobile Assn.; Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 1
Project Location



SOURCE: Leidenfrost / Horowitz & Associates, August 1991.

Montclair Lucky's Supermarket / 91021B ■

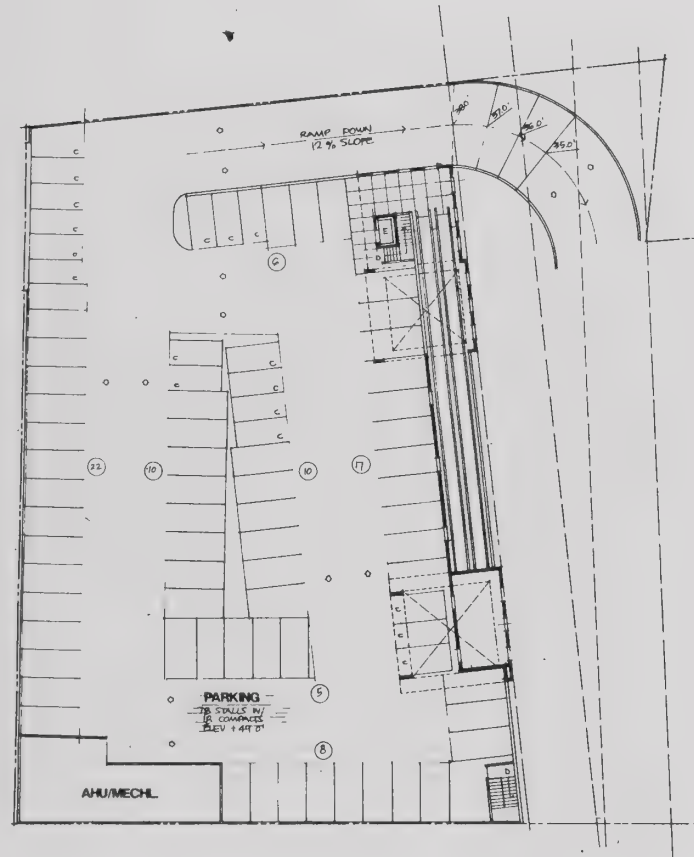
Figure 2
Project Site Plan

adjacent to the west of the site are Moraga Avenue and State Route 13 (Warren Freeway); farther west across State Route 13 are single-family residences.

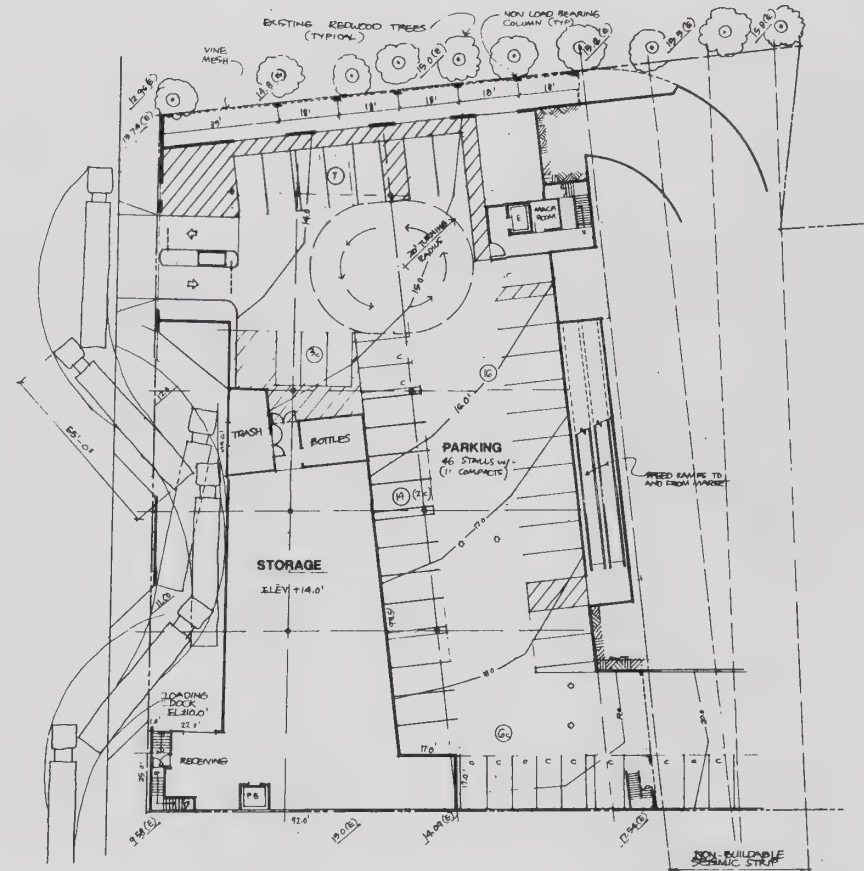
B. PROJECT CHARACTERISTICS

Lucky Stores, Inc., proposes to construct a new three-level supermarket / parking structure at 1991 Mountain Boulevard to replace the existing 22,000-sq. ft. (16,000-sq. ft. main floor supermarket, 1,000 sq. ft. mezzanine office, 5,000 sq. ft. of basement storage) Lucky Supermarket adjacent to the project site. (The Lucky Supermarket building also contains 6,000 sq. ft. of currently vacant retail space, the former Freeway Variety store for a total building area of 28,000 sq.ft.) The project would be located on a 59,950-sq. ft., 175-space surface parking lot that currently serves the existing Lucky Supermarket and surrounding commercial uses. The proposed project structure would consist of a three-level building of 88,080 sq. ft., including a main floor supermarket of 27,880 sq. ft., a basement storage area of 6,170 sq. ft., a basement parking area and loading dock of 23,370 sq. ft., and a roof level parking deck of 30,660 sq. ft. The proposed new store would occupy about 50 percent of the existing parking lot. A surface-level parking lot, regraded to eliminate the existing east-to-west downslope, would occupy the remainder of the parking lot. Along the Moraga Avenue frontage, the proposed structure facade would be up to 48 feet in height. The Mountain Boulevard frontage would be about 32 feet in height, with two towers, the taller of which would be about 49 feet tall. (Because of the slope, the taller tower would be about 65 feet above the Moraga Avenue grade. However, it would not be visible from street level on Moraga.) The new supermarket would contain a service bakery, and a delicatessen. Floor plans, sections, and elevations are shown in Figures 2 through 5.

The project would contain 178 off-street parking spaces: 46 in the basement level, 78 on the roof level, and 54 in the regraded main level surface parking lot. The project would provide three handicapped parking spaces, two on the main level and one in the basement near the elevator. Vehicle access to the roof level parking deck would be via a two-way ramp located on the northern end of the proposed building facing Mountain Boulevard; the ramp would make a near right-angle to reach the roof (see Figure 2). Vehicle access to the basement parking area would be via a two-way driveway from Moraga Avenue (see Figure 3, right, and Figure 5, top). There would also be a two-way ramp connecting the main level parking lot, fronting on Mountain Boulevard,

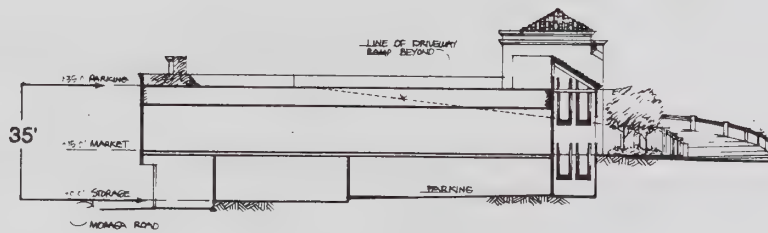


ROOF LEVEL PARKING

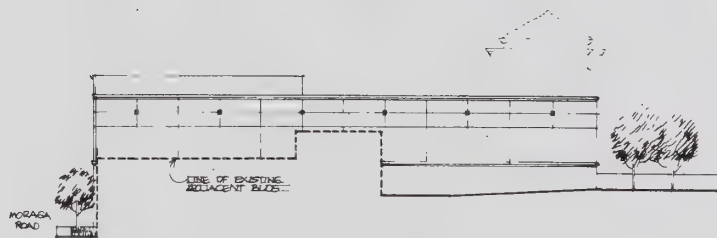


LOWER LEVEL PARKING / STORAGE

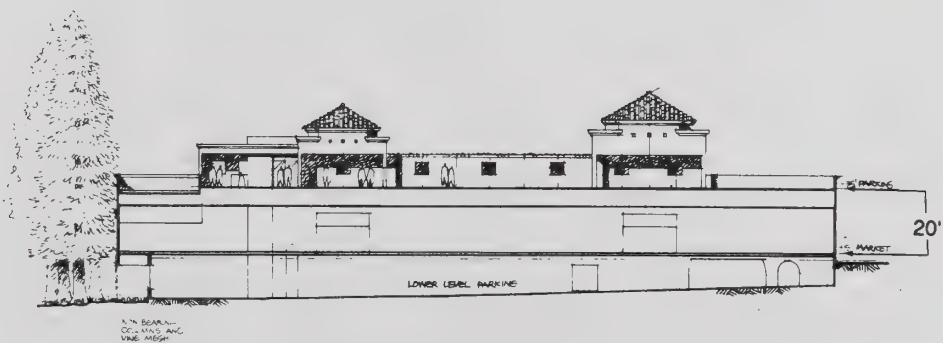




CROSS SECTION



SOUTHEAST ELEVATION



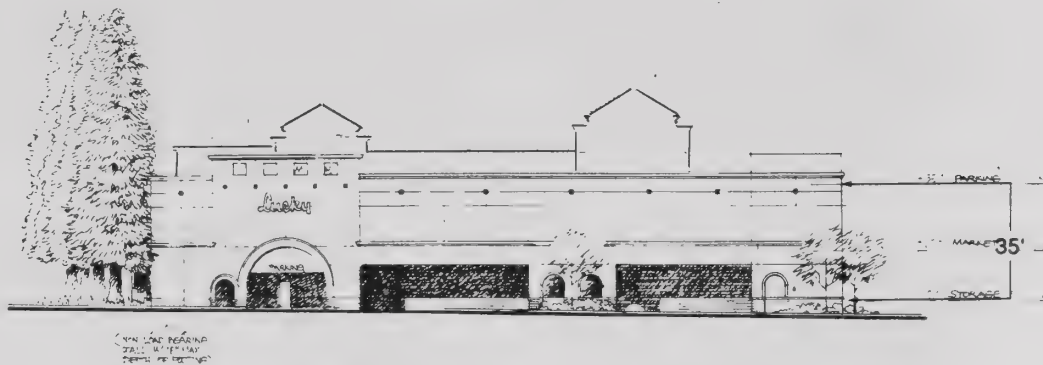
LONGITUDINAL SECTION



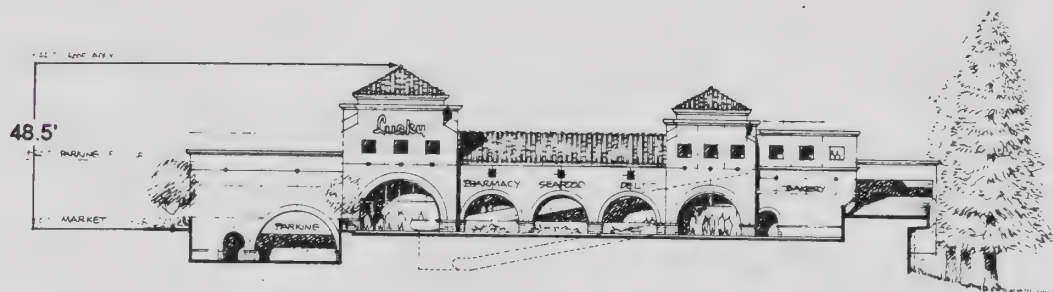
SOURCE: Leidenfrost / Horowitz & Associates, August 1991.

Montclair Lucky's Supermarket / 91021B ■

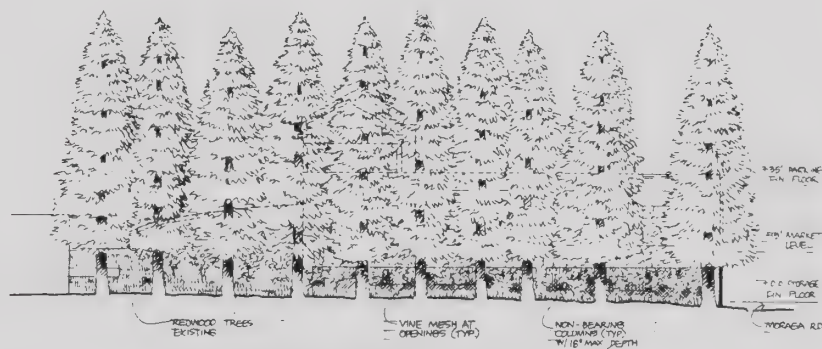
Figure 4
Project Section Views



ELEVATION FROM MORAGA AVENUE



ELEVATION FROM MOUNTAIN BOULEVARD



ELEVATION FROM CITY PARK



SOURCE: Leidenfrost / Horowitz & Associates, August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 5
Project Elevations

and the basement level parking area (see Figure 3, right, and Figure 5, center). This ramp would be located at the southern end of the project building and would allow vehicle access between Moraga Avenue and Mountain Boulevard through the project site.

Pedestrian access between the three levels of the new building would be via speed ramps (moving sidewalks), an elevator, and a stairwell (see Figures 2 and 3).

Pedestrian access between Mountain Boulevard and Moraga Avenue, through the project site, could be achieved by using a walkway inside the northern wall of the basement level parking area and the speed ramps, elevator or stairwell (see Figure 3, right).

Pedestrian access to the ground level retail stores in the building immediately north of the regraded parking lot is via the existing walkway along the south side of the building. This walkway would retain the slope of the existing parking lot. The project sponsor has proposed setting the regraded parking lot approximately 15 feet back from that building to widen the walkway; a retaining wall from four to seven feet high would separate the expanded walkway from the newly graded lot. A similar walkway could serve the existing Lucky Supermarket building if the former Freeway Variety store were to be leased separately from the portion of the building now in use as the market. However, this walkway would not be on the project site and is not proposed as part of the project.

Development of the project would eliminate five metered curbside parking spaces on Moraga Avenue. The proposed project would use one curb cut (as opposed to the two curb cuts that now exist) to allow vehicles to access on-site parking from Mountain Boulevard. Three curb cuts would be required for access from Moraga Avenue, one for the basement parking area and two for the basement truck loading dock; there is presently a single two-way curb cut on Moraga Avenue.

A total of approximately 100 employees would be employed at the new Lucky Supermarket, of whom 80 would be relocated from the existing store. During peak periods, the new store would have approximately 50 to 60 employees working on-site. For purposes of this analysis, it is assumed that the building containing the existing Lucky Supermarket and the former Freeway Variety store, adjacent to the site, would be converted to other general, non-grocery retail uses; assuming such reoccupancy, there would be about 46 employees on that site.

Lucky Stores, Inc., anticipates that the new store would provide all the shopping conveniences and services found in most current larger supermarkets; the new store would also incorporate many currently available labor saving devices making it more time efficient for employees and customers alike.

Present plans call for total project construction time of be approximately 48 weeks, assuming extension of the lease for the current Lucky Store. Some construction phases would be concurrent. During the first 34 weeks of construction, while excavation for and construction of the new store was underway, there would be 53 parking spaces available in the existing surface parking lot; the existing Lucky store would remain open. During approximately the final 14 weeks of construction, the surface parking lot would be entirely closed for regrading and reconstruction, and neither the new Lucky Supermarket nor the new parking facilities would be open. The existing Lucky store would also be closed during this period.

If the existing store lease is not extended, the construction time would be 44 weeks, and the parking lot would be closed during the entire period to expedite construction.

Excavation for the proposed new Lucky Supermarket would be to a maximum depth of about six feet on the eastern side of the proposed store. About 2,300 cubic yards of soil would be excavated, some of which might be reused as fill. During regrading of the surface parking lot, up to about 6,600 cubic yards of fill would be required.

C. PROJECT SPONSOR'S OBJECTIVES

There are two different ownerships at the project location. One party owns the existing Lucky Supermarket building and another party owns the parking lot adjacent to the existing store. Several years ago, the owner of the parking lot leased his property to Lucky Stores, Inc., so that Lucky could construct a new building on this property (project site). In the project sponsor's opinion, the property owner's decision, coupled with the shortcomings of the existing building, described below, make it imperative that a new store be constructed on the parking lot property.

Lucky Stores, Inc., has occupied its present building in the Montclair Village Shopping District under lease since December 17, 1961. The building was constructed and

occupied in the early 1950s, prior to Lucky's occupancy, and was intended to fit the needs of the Montclair community that existed at that time. The existing Lucky Supermarket is on two levels, with most deliveries being received and warehoused at a basement level with frontage on Medau Place. Most merchandise is transported up to the first level on a conveyer belt where it is taken to be stocked on the sales area. All bottled goods are transported by forklift up Medau Place and around to the front of the store. The sales area on the main level is relatively long and narrow, with wooden floors and, in the opinion of the project sponsor, has a very congested appearance. A mezzanine area, consisting of a manager's office, employee breakroom, and restrooms, is off to one side of the sales area. As noted, there is a separate retail space of approximately 6,000 sq. ft. (the former Freeway Variety store) with an entrance off the existing parking lot.

With the continued growth of the Montclair area, the existing Lucky Supermarket's sales have continued to increase to the point where, in the opinion of the project sponsor, the sales demand cannot adequately be met by this facility. The project sponsor states that the receiving area is inefficient, and presents an unsightly and potentially hazardous situation as a result of the merchandise being received at the curb. Additionally, the store sits astride a fault zone and remodeling or expansion is not an option. State seismic regulations prohibit new construction of commercial buildings, including alterations or additions exceeding 50 percent of the value of the structure, across a fault trace./1/

D. DISCRETIONARY APPROVALS REQUIRED FROM THE CITY

The proposed project would require a number of discretionary approvals from the City, including Design Review, a zoning variance, a conditional use permit, and an encroachment permit.

A minor zoning variance is required in order to exceed the 30-foot height limit and 10-foot side-lot line setback when a C-27 Zone abuts a residential (R-30) zone. A minor variance application is considered by the Director of City Planning, who may elect to hold a public hearing. The director's decision may be appealed to the City Planning Commission.

A major conditional use permit would be required for the establishment of General Food and Alcoholic Beverage Sales activities in a C-27 Zone. A major conditional use permit application is considered by the City Planning Commission in a public hearing, and may be granted subject to reasonable conditions. The Commission's decision may be appealed to the City Council.

Design Review is required for all new construction or alterations in the C-27 Zone; it is a staff level decision made by the Director of City Planning and may be appealed to the City Planning Commission and the City Council. At his discretion, the Planning Director may refer the Design Review application to the City Planning Commission for decision.

A major encroachment permit is also required in order to allow construction of retaining walls in the public right-of-way and for special finish sidewalks. An encroachment permit application is considered by the Office of Public Works; denial may be appealed to the City Council.

The minor zoning variance and the major conditional use permit must be approved prior to the consideration of the Design Review application. At the City's discretion, Design Review may be considered by the City Planning Commission simultaneously with the major conditional use permit. The encroachment permit must be obtained prior to issuance of a building permit. Following granting of the above discretionary approvals, building permits (which are ministerial, not discretionary, permits) can be issued.

NOTE - Project Description

- /1/ Public Resources Code, Division 2, Chapter 7.5 (Alquist-Priolo Special Studies Zones Act of 1972, as amended); California Code of Regulations, Title 14, Section 3603.

IV. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

A. LAND USE, ZONING AND PLANS

SETTING

Land Use

The project site is currently occupied by a 175-space surface parking lot serving the existing Lucky Supermarket and other neighborhood commercial uses that border the parking lot. The site is located in Montclair Village approximately 100 feet east of State Route 13 (Warren Freeway). It is bounded by Moraga Road to the west, Medau Place to the south, Mountain Boulevard to the east, and a city park, the Montclair Recreation Center, to the north.

Existing land uses in the site vicinity include recreational, multiple-family residential, single-family residential, and commercial. (See Figure 6) North of the site is the Montclair Recreation Center, a 6.25-acre park operated by the Oakland Office of Parks and Recreation. Beyond the commercial area to the east of the site is a single-family residential district. The former route of the Sacramento Northern Railroad divides the commercial and residential districts; a walking and bicycle trail now follows the railroad right-of-way. Bordering the single-family residential district and southeast of the site is a concentration of multiple-family residential buildings. Another single-family district is located west of the site, across State Route 13. The center of the Montclair Village commercial district is located immediately southeast of the site.

Commercial uses border the site on the south and east. In the site vicinity, the commercial uses extend from Moraga Avenue, along the western border of the site, to the former Sacramento Northern Railway right-of-way, one block east of the site. This commercial district is also bounded to the north by the Montclair Recreation Center, and to the south by Merced Avenue. The commercial uses in this roughly seven-block district include office and retail facilities. Along Mountain Boulevard, Antioch Court, La Salle Avenue, and Medau Place, the two- and three-story commercial buildings house retail and service establishments that are primarily oriented toward local

Figure 6
Existing Land Use
in Project Site Vicinity

residents and people working in the area. These facilities include banks, insurance offices, clothing stores, pharmacies, restaurants, art boutiques, hair salons and grocery stores. Along Moraga Avenue near the freeway, many of the commercial uses are oriented to travelers. These uses include a gasoline service station, fast-food restaurants, and a motor lodge, as well as other services.

Comprehensive Plan

The Land Use Element of the *Oakland Comprehensive Plan* designates the site and surrounding commercial district as Commercial. The Land Use Element designates a Commercial area as one where the prevailing uses are retail, consumer or business services, or offices./1/ The Montclair Recreation Center northwest of the site, and scenic bike path east of the site on the former railroad right-of-way, are both designated "Park, Recreation or Natural Area, or Watershed." The residential district across the freeway west of the site is mainly designated Suburban Residential, with two pockets designated Low-Density Residential. Suburban Residential is defined in the Land Use Element as "10,000 or more sq. ft. of land (lot area) per (housing) unit," and Low-Density Residential is defined as "5,000-9,999 sq. ft. of land per unit."/1/ The residential district east of the site is designated as Low-Density Residential under the Land Use Element./1/

Policies of the Land Use Element of the *Oakland Comprehensive Plan*, which relate to existing and planned commercial uses on the project site, include the following./2/

"The environmental quality of Oakland's commercial and industrial areas should be protected and in many cases greatly improved. Amenities such as street trees and plazas should be added where appropriate to make these areas more desirable shopping or working environments." (General Commercial and Industrial Policy 1)

"Commercial and industrial buildings, signs, and other facilities should be designed to harmonize with, or where appropriate enhance, their surroundings." (General Commercial and Industrial Policy 3)

"Commercial and industrial areas should have adequate parking and loading facilities." (General Commercial and Industrial Policy 5)

"Development in commercial . . . areas should be limited in intensity, or limited to low-rise construction, where and to the extent this is appropriate to:

- a. protect the area's desired character where that depends significantly on moderate or consistent building scale or appearance . . . ;

- d. avoid creating or aggravating significant traffic or parking problems." (Commercial and Industrial Development Intensity and Building Height Policy 3)

The Land Use Element of the *Oakland Comprehensive Plan* indicates that the project site, and site vicinity east of State Route 13, are not within a designated Inundation Hazard Area prone to flooding under a 100-year flood./3/

The *Oakland Comprehensive Plan* also includes the *Oakland Policy Plan* (adopted in 1974 and amended through 1980) which, as a component of the City's *Comprehensive Plan*, is an "official expression of the City Council's intentions" in decision-making as it affects citizens of the City./4/ The *Oakland Policy Plan* contains both goals and policies which could apply to the current and planned uses on the project site.

The *Oakland Policy Plan* also contains policies on land-use decision-making that may relate to the project site, including the following:/5/

"In considering those land use questions which mostly affect a particular neighborhood or other area, the City will give substantial weight to the opinions of the local citizens." (Decision-making Policy 2)

Policies related to the natural setting which may relate to the project site include the following:/6/

"Urban development wherever it occurs should be related sensitively to the natural setting, with the scale and intensity of development in each case bearing a reasonable relationship to the physical characteristics of the site." (Natural Setting Policy 1)

"Except where adequate corrective measures can feasibly be taken, construction should not occur over known faults or on land subject to landslide, erosion, or flooding. The City will make efforts to obtain more information about such hazardous areas, and will consider the imposition of additional controls on development there." (Natural Setting Policy 2)

Applicable policies of the *Oakland Policy Plan* relating to circulation and noise which may relate to the project site include:/7/

"The City will promote the use of public transit by encouraging housing, employment, or shopping concentrations in appropriate locations near BART stations and major bus routes." (Policy 1 Relating to Circulation and Noise)

"To the extent compatible with noise levels and other environmental factors, the intensity of development at each point in the city should be related to the degree of accessibility there." (Policy 2 Relating to Circulation and Noise)

Policies of the *Oakland Policy Plan* specific to regulation of land use, mixture and transition between differing adjacent land use types, which may relate to the project site include:/8/

"The City will employ zoning or other land use regulations to ensure that land uses are compatible with their surroundings and to promote appropriate design and on-site conditions for residents or other users." (Policy 1 on Land Use Regulation, Mixture, and Transition)

"In general the boundary between areas or zones of potentially inharmonious land uses should, where practicable, run along rear property lines rather than down the middle of a street." (Policy 5 on Land Use Regulation, Mixture, and Transition)

Applicable policies of the *Oakland Policy Plan* related to the existing commercial uses on and surrounding the project site include:/9/

"The scale and functions of the commercial areas outside the Central District should be such that they complement, rather than weaken, the Central District's functions." (Policy 1 on Commercial Areas)

"The City will generally not encourage, by rezoning or otherwise, the development of new commercial areas, or the large-scale horizontal expansion of existing ones, unless:

- a. it is likely that the development or expansion will bring a net economic benefit to Oakland; or
- b. the development or expansion will provide convenient shopping facilities for a sizable residential area which would not otherwise be adequately served." (Policies 3a and 3b on Commercial Areas)

"Important shopping frontages will be protected from disruption by unsuitably located parking lots or other open land uses, and where appropriate from interruptions caused by ground-floor non-retail uses." (Policy 6 on Commercial Areas)

"Merchant groups are encouraged to initiate improvement programs to make their centers more attractive and efficient. Such programs could include landscaping, renovation of buildings, architectural and sign controls, and the provision of off-street parking and loading facilities." (Policy 7 on Commercial Areas)

Parks and Recreation Policies which may relate to the project site include the following:/10/

"In nonresidential areas, plazas should be located at strategic places such as rapid transit stations, major bus stops, or employment or shopping concentrations." (Project Location Policy 7)

"Public park and recreation sites should generally be protected from conversion to other uses, except for minor boundary adjustments which improve a site's value and except for sites in locations which clearly are no longer appropriate. In any case, whatever land and facilities are given up should be replaced by new ones of at least equal value and capacity." (Project Location Policy 10)

The *Oakland Policy Plan* contains policies related to open space and natural resources that could be applicable to the project site, including the following:/11/

"The City in conjunction with other government agencies, when feasible, should utilize lands subject to severe seismic and geologic hazards for low intensity park and recreational activities or open space." (Earth Resources Policy 4)

Policies relevant to plant and animal resources and air, energy, and solid waste resources noted in the *Oakland Policy Plan* which may be applicable to the project site include the following:/12/

"Extensive tree planting programs should take place in most residential and commercial areas." (Plant & Animal Resources Policy 10)

"Wherever practicable, landscaping should include use of native plant species." (Plant & Animal Resources Policy 13)

"In deciding on major land use and circulation issues, the City will consider the possible effects on air quality and energy consumption." (Air, Energy & Solid Waste Resources Policy 3)

Policies in the *Oakland Policy Plan* regarding circulation issues which may be applicable to the project site include:/13/

"The City will make a determined effort to encourage major employers, commercial establishments, and parking lot ... operators to provide adequate bicycle parking facilities, preferably bicycle lockers." (Pedestrianways and Bikeways Policy 11)

The *Oakland Policy Plan* also contains policies relevant to noise that may be applicable to the project site, including the following:/14/

New land uses and density increases should generally be discouraged in areas where the noise levels likely in the foreseeable future exceed what is reasonably acceptable for such uses, except where a project itself has special features which will reduce on-site noise to an acceptable level. (Land Use Design and Control Policy 1)"

Zoning

The project site is zoned C-27 (see Figure 7). The City of Oakland *Zoning Regulations* specify the intended purpose of the C-27 Zone is "to create, preserve, and enhance areas with a selective range of retail establishments serving both short and long term needs in attractive, compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters having their own special identity."/15/ Zones adjacent to the project include C-27 and R-30 (Suburban Residential).

Permitted Activities in the C-27 Zone include Residential (Permanent), Civic and Commercial. *Zoning Regulations* Section 4403(c) lists permitted Commercial activities in the C-27 Zone as convenience sales and service, medical service, general retail, general personal service, consultative and financial service, consumer laundry and repair service, administrative, business and communication service and retail business supply./16/ Conditionally permitted activities in the C-27 Zone include certain Civic, Agricultural and Extractive activities, and a range of Commercial activities including: general food sales, convenience market, fast-food restaurant, alcoholic beverage sales, mechanical or electronic games, group assembly, automotive fee parking and animal care./17/ In the C-27 Zone, no minimum lot area or lot width is prescribed for any lot which does not contain a residential facility, though a minimum of 25 ft. frontage along a street is required./18/

Generally within the C-27 Zone, the maximum height limit of buildings is 45 feet, with some exceptions made for certain facilities. Chimneys, ventilators and other building equipment have a 10-foot maximum vertical projection above the prescribed 45-foot height limit. For stair-towers, rooftop fences and walled spaces, the maximum projection is 12 feet. Parapet walls have a maximum allowable projection of four feet. For decorative features such as spires and bell-towers, the maximum projection is 15 feet. Rooftop recreational, seating, landscaping other than trees, and open fencing uses have a projection limit of 10 feet. Eaves, awnings and other lateral extension of a building have a standard projection maximum of eight feet. Radio and television masts antennas have a maximum projection of 15 feet. Fire escapes and other railings required by law, trees, flagpoles, and utility poles and lines have no special projection restrictions. Signage is restricted by regular height restrictions for signs./19/ The maximum permitted floor-area ratio without a conditional use permit is 4.0:1.

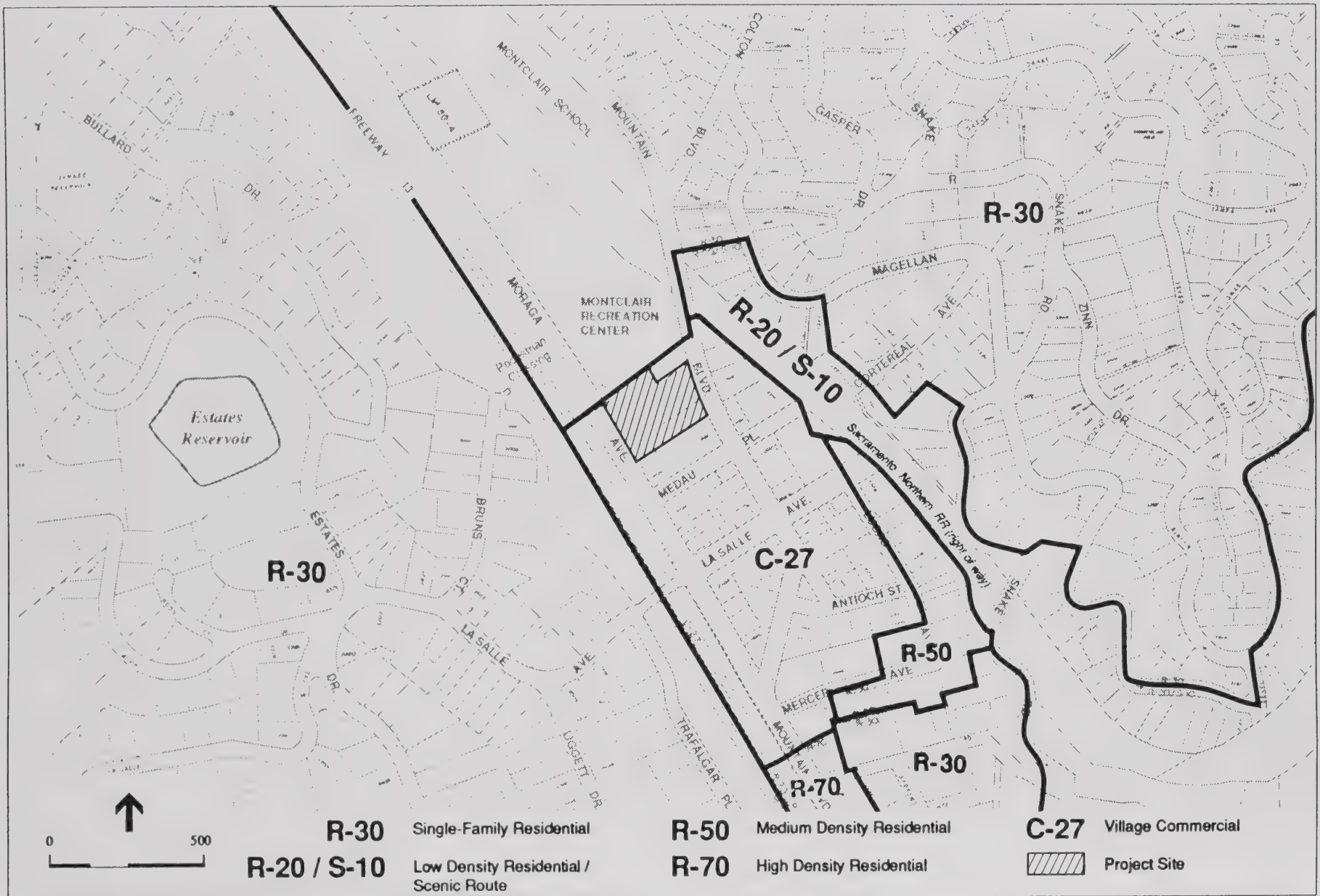


Figure 7
Zoning Designations
in Project Site Vicinity

IV. Environmental Setting Impacts and Mitigation Measures

Oakland *Zoning Regulations* indicate that where any commercial zone interior side lot line abuts any residentially zoned lot, the basic maximum allowable height is 30 feet, and may be increased with corresponding exterior setbacks from the inner line of the minimum required side yard./20/

No minimum yard setbacks are generally required for the C-27 Zone, but where an interior side lot line of a "C" zoned lot abuts an interior side line of a lot in the R-10, R-20, R-30, R-35, R-40, R-50, or R-60 Zone, a 10 ft. minimum side yard is required./21/ The portion which does not abut the lot in the residential zone does not require this yard. In the case of rooftop recreational, observation, seating and unroofed parking facilities, the minimum distance from any abutting residentially zoned lot is 15 feet, with no restriction if the vertical projection above the prescribed height does not exceed four feet. The 15 foot minimum may be waived by obtaining a Conditional Use Permit./22/

Zoning designations in the vicinity of the project site regulate the residential and recreational uses in the area (see Figure 6). The R-30 zoned areas are north and west of the site, to the south on Snake Road, and to the east of the Sacramento Northern Railway right-of-way east of the site. According to the Zoning Regulations, this zone is intended to "create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate to already developed lower density dwelling areas of the City."/23/ Permitted activities in this zoning area include Residential (permanent) and Civic. Conditionally permitted activities include Civic, Commercial, Agricultural and Extractive and Off-Street Parking./24/

To the east of the site along the railway right-of-way is a combined R-20/S-10 zoning area. The *Zoning Regulations* specify that the R-20 Zone (Low Density Residential) is "intended to create, preserve, and enhance areas for single-family dwellings at low densities in spacious environments, and is typically appropriate to portions of the Oakland hill area."/25/ Permitted activities include Residential (permanent) and Civic./26/ Conditionally permitted activities include Civic, Agricultural and Extractive, and Off-Street Parking.

Zoning Regulations indicate that the S-10 Zone (Scenic Route Combining) is intended to "create, preserve, and enhance areas where hillside terrain, wooded canyons and ridges, and fine vistas or panoramas of Oakland, neighboring areas, or the Bay can be

IV. Environmental Setting Impacts and Mitigation Measures

seen from the road, and is typically appropriate to roads along or near ridges, or through canyons, or the Oakland Hills which roads have good continuity and relatively infrequent vehicular access from abutting properties." Activities permitted by the initial zoning (R-20) are also permitted by the supplementary zoning S-10./27/

The R-50 Zone (Medium Density Residential) is located south of the C-27 Zone. *Zoning Regulations* specify that this zone is intended to "create, preserve and enhance areas for apartment living at medium densities in desirable settings, and is typically appropriate to areas of existing medium density residential development."/28/ Permitted activities include Residential (permanent) and Civic. Conditionally permitted activities include Civic, Agricultural and Extractive, and Off-Street Parking. The R-70 Zone (High Density Residential) is also located south of the C-27 Zone. *Zoning Regulations* indicate that this zone is intended to "create, preserve and enhance areas for apartment living at high densities in desirable settings, and is typically appropriate to areas having good accessibility to transportation routes and major shopping and community centers." Permitted uses include Residential (permanent) and Civic. Conditionally permitted activities include Civic, Commercial, Agricultural and Extractive, and Off-Street Parking./29/

IMPACTS

Land Use

Development of the proposed supermarket expansion would replace the existing approximately 175-space surface parking lot servicing the Lucky Supermarket and neighboring stores. The project would add about 34,050 sq. ft. of commercial supermarket space, including retail and storage space, and 178 parking spaces. There would be a net loss of two parking spaces with the project due to the need for additional curb cuts on Moraga Avenue, which would result in the loss of five on-street parking spaces. The project would add commercial uses along Mountain Boulevard and Moraga Road.

The relocation and expansion of the Lucky Supermarket would increase the density of commercial uses within Montclair Village, representing a net increase of supermarket retail space of 11,880 sq. ft. and a total increase of retail space of about 27,880 sq. ft., assuming reoccupancy of the existing Lucky supermarket building with other retail

IV. Environmental Setting Impacts and Mitigation Measures

use(s) that would either be new uses or relocated from outside Montclair Village. If the existing Lucky supermarket building were occupied by existing Montclair Village establishment(s), there would be retail space opened up elsewhere in the neighborhood, resulting in a similar increase in the density of commercial uses.

Demand for parking space in Montclair Village exceeds the available supply at many times of the day (see Section B. Transportation). The project would contribute to this overall demand while generating increased demand of its own and resulting in a loss of easily-accessible surface parking space for customers of commercial facilities in the project area.

The northern site boundary borders an R-30 residential zoning area used by the Montclair Recreation Center for a park with recreational facilities. Development of the proposed project would be an intensification of land use next to this relatively low-intensity land use.

Operation of the project would require approximately 100 employees, of whom 80 would be relocated from the existing store. The Lucky Supermarket expansion would marginally increase the supply of retail goods available to consumers in the Montclair area and from surrounding districts. The additional business generated could increase the demand for goods and services in the site vicinity, such as those provided along Mountain Boulevard near the project site. The addition of new employees at the Lucky Supermarket could also increase the demand for some retail goods and services in the immediate vicinity.

Development of the proposed project could induce owners of land parcels in the site vicinity to attempt to redevelop sites of existing low-intensity commercial uses with higher-density service and retail uses. This would be particularly likely to occur on parcels along Medau Place and Mountain Boulevard. The City Planning Commission would review any such proposals on a case-by-case basis, and would solicit public testimony at a public hearing on any such development request. The Planning Commission, in making decisions regarding approval or disapproval of this project, could provide direction for the types and intensities of future development in the site vicinity.

Comprehensive Plan

The proposed Lucky Supermarket would be consistent with the *Comprehensive Plan's* current Commercial designation of the site, and therefore would not require an amendment to the *Comprehensive Plan*.

As discussed under *Comprehensive Plan* Setting, above, the *Oakland Policy Plan* is "an official expression of the City Council's intentions" in decision making.

Therefore, conformance of the proposed project to the *Oakland Policy Plan* may be reviewed by the City Council, as part of the Council's action regarding project approval.

The proposed project would be consistent with some of the applicable policies of the *Oakland Comprehensive Plan*, but would not be consistent with other applicable policies of the *Comprehensive Plan*. Table 1 compares the proposed project to these policies.

Zoning

Development of the proposed 88,080 sq. ft. supermarket building in Montclair's C-27 Zone would entail the following Commercial Activities: General Food Sales, Alcoholic Beverage Sales. *Oakland Zoning Regulations* indicate that these are uses requiring a major conditional use permit within a C-27 Zone./17/

Zoning Regulations Sections 2360 and 2363 define these activities as:

General Food Sales Commercial Activities: "include the retail sale, from the premises, of food or beverages for home consumption, as well as the retail sale of prepared food or beverages for on-premises consumption, but exclude the activities described in Sections 2361, 2362, and 2363."/30/

Alcoholic Beverage Sales Commercial Activities: "include the retail sale, for on- or off-premises consumption, or liquor, beer, wine, or other alcoholic beverages, but exclude full-service restaurants."

TABLE 1: RELATIONSHIP OF THE PROPOSED PROJECT TO THE *OAKLAND COMPREHENSIVE PLAN*

Oakland Comprehensive Plan

Relation to Project

"In considering those land use questions which mostly affect a particular neighborhood or other area, the City will give substantial weight to the opinions of the local citizens." (Land Use Element, p.19)

The City Planning Commission will hold a public hearing on the Draft EIR during the CEQA-mandated 45-day public comment period, and will receive oral and written comments on the content of the Draft EIR. Responses to both oral and written comments received during the public review period will be prepared by the environmental consultant under the direction of the City Planning staff and reviewed by the City Planning Commission in determining whether or not to certify the EIR as accurate, objective and complete. The decision-making process of the City Planning Commission regarding approval of the use permit application for the project will include full consideration of impacts of the proposed development on neighboring areas. Community opinion will be solicited by the City Planning Commission in public hearings during its deliberations on whether to approve the project or one of the alternatives (including the No-Project Alternative).

"To the extent compatible with noise levels and other environmental factors, the intensity of development at each point in the city should be related to the degree of accessibility there." (Land Use Element, p.20)

Nine AC Transit service lines (routes) operate within one block of the project; additionally, an AC Transit timed transfer center is adjacent to the project site (see Section B. Transportation). Therefore, the project may be considered to be consistent with the policy.

"New land uses and density increases should generally be discouraged in areas where the noise levels likely in the foreseeable future exceed what is reasonably acceptable for such uses, except where a project itself has special features which will reduce on-site noise to an acceptable level." (Land Use Element, p.20)

The ambient noise levels at locations adjacent to the project site are currently at or below 72 dBA Leq, and are therefore within the range of "conditionally acceptable" noise levels for commercial areas under the Land Use Compatibility Guidelines of the *Oakland Comprehensive Plan* Noise Element. Increased traffic along local roadways as a result of project

TABLE 1: RELATIONSHIP OF THE PROPOSED PROJECT TO THE *OAKLAND COMPREHENSIVE PLAN* (Continued)

Oakland Comprehensive Plan

Relation to Project

"In deciding on major land use and circulation issues, the City will consider the possible effects on air quality and energy consumption." (Land Use Element, p.21)

operation would not result in a noticeable increase in ambient noise levels. Construction noise generated at the site, however, would temporarily increase ambient noise to unacceptable levels in the recreational open space north of the site (see Section F. Noise).

Emissions into the air due to project-generated traffic would not exceed Bay Area Air Quality Management District significance thresholds for hydrocarbons, nitrogen dioxide, sulfur dioxide or inhalable particulate matter. Project-generated traffic would not exceed the BAAQMD significance threshold for carbon monoxide (CO), but would contribute cumulatively to future CO concentrations at intersections near the site along Mountain Boulevard and Moraga Avenue. Project operation would not be expected to have an unavoidable adverse effect on energy supplies (see Section G. Energy).

"The City will employ zoning or other land use regulations to ensure that land uses are compatible with their surroundings and to promote appropriate design and on-site conditions for residents or other users." (Land Use Element, p. 22)

A major conditional use permit would be required to allow the General Food Sales use to be located in a C-27 Zone. The potential effects of the conditionally permitted use on a site currently occupied by similar uses will be considered by the City Planning Commission in determining its approval or disapproval of the project. The project will be subject to C-27 Design Review requirements regarding design compatibility of the project elements to each other, to other facilities in the vicinity, and to the visual setting of the site area.

TABLE 1: RELATIONSHIP OF THE PROPOSED PROJECT TO THE OAKLAND COMPREHENSIVE PLAN (Continued)

Oakland Comprehensive Plan

Relation to Project

	The City Planning Director may approve or disapprove the design of the project based on the relationship of the proposed design to specific criteria of project design to specific criteria of <i>Zoning Regulations</i> Section 9304 under which design review approval may be granted (see also Section D. Visual Quality).
"Commercial and industrial buildings, signs, and other facilities should be designed to harmonize with, or where appropriate enhance, their surroundings." (<i>Policy Plan</i>, General Commercial and Industrial Policy 3)	The proposed project will be subject to Design Review application procedures under <i>Zoning Regulations</i> Section 9300 et. seq., and will be evaluated by the Director of City Planning and the City Planning Commission. The Design Review application will include an evaluation of the potential aesthetic effects of the project on adjacent recreational open space uses (see Section D. Visual Quality). The project would provide landscaping (including street trees) at the south, east, and west project boundaries, which would enhance project consistency with this policy.
"Development in commercial . . . areas should be limited in intensity, or limited to low-rise construction, where and to the extent this is appropriate to: a. protect the area's desired character where that depends significantly on moderate or consistent building scale or appearance . . .; d. avoid creating or aggravating significant traffic or parking problems." (<i>Policy Plan</i>, Commercial and Industrial Development Intensity and Building Height Policy 3)	The project would be one-story tall on the Mountain Boulevard frontage, and two-stories tall on the Moraga Avenue frontage. It would be larger than many buildings in the project area. With mitigation, the project would improve traffic conditions in the project area. The project would provide about two fewer parking spaces than now exists on the site and on adjacent streets, and would increase parking demand. Parking provided by the project would not meet the peak parking demand for the project plus displaced vehicles from the existing parking lot. The project could conflict with this policy by increasing the existing peak-period parking shortfall in Montclair.

TABLE 1: RELATIONSHIP OF THE PROPOSED PROJECT TO THE *OAKLAND COMPREHENSIVE PLAN* (Continued)

Oakland Comprehensive Plan

Relation to Project

"The environmental quality of Oakland's commercial and industrial areas should be protected and in many cases greatly improved. Amenities such as street trees and plazas should be added where appropriate to make these areas more desirable for shopping or working environments." (*Policy Plan*, General Commercial and Industrial Policy 1)

As discussed above, the project would include the provision of site landscaping. The project may, therefore, be consistent with this policy.

"Commercial and industrial areas should have adequate parking and loading facilities." (*Policy Plan*, General Commercial and Industrial Policy 5)

The project would provide loading facilities adequate to serve the proposed new facility. Development of the project site would result in the permanent removal of a publicly accessible 175-space surface parking lot (validated for shoppers at the existing Lucky store and commercial establishments in the adjacent Bank of America building), and the loss of about five parking spaces on Moraga Avenue because of the need to make new curb cuts. The project would provide 178 parking spaces that would be publicly accessible, although all users except Lucky shoppers would have to pay for parking. Project trip generation would increase parking demand in the area, and would contribute cumulatively to the district's existing parking shortage despite the replacement of parking spaces. Thus, the project could conflict with these policies in increasing overall parking demand in Montclair Village (see Section B. Transportation).

"Urban development wherever it occurs should be related sensitively to the natural setting, with the scale and intensity of development in each case bearing a reasonable relationship to the physical characteristics of the site." (*Policy Plan*, Natural Setting Policy 1)

The project site is currently a shopping area with uses similar to the project. The scale and intensity of this project are consistent with other development in the site area. Project impact on the immediate natural environment would not be significant. The project structure has been designed to minimize the impact on the adjacent city park north of the site. The project would be consistent with this policy.

TABLE 1: RELATIONSHIP OF THE PROPOSED PROJECT TO THE OAKLAND COMPREHENSIVE PLAN (Continued)

Oakland Comprehensive Plan

"Except where adequate corrective measures can feasibly be taken, construction should not occur over known faultlines or on land subject to landslide, erosion, or flooding. The City will make efforts to obtain more information about such hazardous areas, and will consider the imposition of additional controls on development there." (*Policy Plan, Natural Setting Policy 2*)

Relation to Project

State law (the Alquist-Priolo Special Studies Zone Act of 1972, California Public Resources Code) requires that any new construction which occurs along active fault zones give adequate consideration to the hazard of surface fault rupture. Prior to approval of any subdivision or most types of new construction within a designated Special Studies Zone, a "geologic study" must be conducted in order to determine the hazard of surface fault rupture. The law mandates that structures for human occupancy not be constructed astride an active fault trace. Unless proven otherwise, the area within 50 feet of an active fault trace is considered to be underlain by active branches of the fault. In order to prove otherwise, special geologic studies must be conducted to discern the nature of faulting within 50 feet of the active fault trace.

The project site is located within a Special Studies Zone for the Hayward fault. A special geologic study has been carried out for the project which found that an active trace of the Hayward fault crosses the central portion of the project site. The study also concluded that fault movement is confined to a well-defined shear zone around that trace (i.e., there are no other fault branches, on the site). The project has been designed so that the inhabitable portion of the building (all except the parking access ramp) does not cross the fault trace and is thus consistent with state law and this policy.

"In general the boundary between areas or zones of potentially inharmonious land uses should, where practicable, run along rear property lines rather down the middle of a street." (*Policy Plan, Land Use Regulation, Mixture, and Transition Policy 3*)

The project site, zoned C-27, adjoins a city park located on a lot zoned R-30. The boundary between the two is an interior side lot line. The project may not be consistent with this policy.

TABLE 1: RELATIONSHIP OF THE PROPOSED PROJECT TO THE OAKLAND COMPREHENSIVE PLAN (Continued)

<u>Oakland Comprehensive Plan</u>	<u>Relation to Project</u>
"Along existing surface transportation routes the noise from which is seriously affecting nearby noise-sensitive land uses, where a continuation of excessive noise levels is likely for the near future, vigorous and systematic noise reduction efforts should be made through such means as special barriers or traffic controls." (<i>Policy Plan, Circulation Policy 2</i>)	As noted above, the intensity and scale of this project are consistent with other development in the site area. Noise generated by operation of the project would not significantly impact surrounding areas (see Section F. Noise). The project would be consistent with this policy.
"The City will promote the use of public transit by encouraging housing, employment, or shopping concentrations in appropriate locations near BART stations and major bus routes." (<i>Policy Plan, Noise and Circulation Policy 1</i>)	As noted above, the project site is located along five bus routes and a major bus transfer point is located at the intersection of Moraga Avenue and Medau Place, adjacent to the project site (see Section B. Transportation). The Rockridge BART station is, however, 2.5 miles from the site. Nevertheless, the project would be consistent with this policy.
"The scale and functions of the commercial areas outside the Central District should be such that they complement, rather than weaken, the Central District's functions." (<i>Policy Plan, Commercial Areas Policy 1</i>)	The project would result in minor intensification of commercial activity in Montclair Village, but would not change the scale and function of Montclair Village from that of a neighborhood-serving retail area. Therefore, the project would be consistent with this policy.
"The City will generally not encourage, by rezoning or otherwise, the development of new commercial areas, or the large-scale horizontal expansion of existing ones, unless:	The project would not create a new commercial area, nor would it result in horizontal expansion of Montclair Village. Therefore, the project would be consistent with these policies.
a. it is likely that the development or expansion will bring a net economic benefit to Oakland; or	
b. the development or expansion will provide convenient shopping facilities for a sizable residential area which would not otherwise be adequately served." (<i>Policy Plan, Commercial Areas Policies 3, 3a and 3b</i>)	

TABLE 1: RELATIONSHIP OF THE PROPOSED PROJECT TO THE OAKLAND COMPREHENSIVE PLAN (Continued)

<u>Oakland Comprehensive Plan</u>	<u>Relation to Project</u>
"Important shopping frontages will be protected from disruption by unsuitably located parking lots or other open land uses, and where appropriate from interruptions caused by ground-floor non-retail uses." (<i>Policy Plan, Commercial Areas Policy 6</i>)	As noted above, the project would provide 178 off-street parking spaces within an on-site rooftop, basement and surface parking facilities. The parking facilities and project street frontage would include landscaping and trees to enhance the local environment. The Moraga Avenue frontage of the project would replace a surface parking lot with a building wall and garage / loading dock entrances. Therefore, the project may be considered to be consistent with these policies.
"Merchant groups are encouraged to initiate improvement programs to make their centers more attractive and efficient. Such programs could include landscaping, renovation of buildings, architectural and sign controls, and the provision of off-street parking and loading facilities." (<i>Policy Plan, Commercial Areas Policy 7</i>)	The project would result in construction of a new and more efficient supermarket. It would also include off-street loading facilities and new landscaping on the regraded surface parking lot. The project would be consistent with this policy.
"In nonresidential areas, plazas should be located at strategic places such as rapid transit stations, major bus stops, or employment or shopping concentrations." (<i>Policy Plan, Project Location Policy 7</i>)	Pedestrian plazas would not be provided by the project.
"Public park and recreation sites should generally be protected from conversion to other uses, except for minor boundary adjustments which improve a site's value and except for sites in locations which clearly are no longer appropriate. In any case, whatever land and facilities are given up should be replaced by new ones of at least equal value and capacity." (<i>Policy Plan, Project Location Policy 10</i>)	Implementation of the project would not have a significant impact on public park lands north of the site. Therefore, the project is consistent with this policy (see Section H. Biology).
"The City in conjunction with other government agencies, when feasible, should utilize lands subject to severe seismic and geologic hazards for low	As noted above, the site is located in the Alquist-Priolo Special Studies Zone and contains a fault trace. The proposed new supermarket would be set back 20 feet

TABLE 1: RELATIONSHIP OF THE PROPOSED PROJECT TO THE OAKLAND COMPREHENSIVE PLAN (Continued)

<u>Oakland Comprehensive Plan</u>	<u>Relation to Project</u>
intensity park and recreational activities or open space." (<i>Policy Plan, Earth Resources Policy 4</i>)	from the fault trace; however, the project would include surface parking spaces and circulation facilities (the ramp to the rooftop parking area) within the fault trace. No special low-intensity park or open space is planned for this geologic hazard area. The project may be inconsistent with this policy.
"Extensive tree planting programs should take place in most residential and commercial areas." (<i>Policy Plan, Plant & Animal Resources Policy 10</i>)	As part of the project, trees would be planted on-site and along the project site frontage. Depending on the nature of landscaping, the project would be generally consistent with this policy.
"Wherever practicable, landscaping should include use of native plant species." (<i>Policy Plan, Plant & Animal Resources Policy 13</i>)	At this time, the type of landscaping for the project has not been decided. The project may or may not be consistent with this policy, depending on the type, extent, and effectiveness of the landscape plantings.
"The City will make a determined effort to encourage major employers, commercial establishments, and parking lot and garage operators to provide adequate bicycle parking facilities, preferably bicycle lockers." (<i>Policy Plan, Pedestrian-ways and Bikeways Policy 11</i>)	Bicycle parking is not proposed as part of the project. The project could conflict with this policy.

SOURCE: *Oakland Land Use Element, Oakland Policy Plan, and Environmental Science Associates, Inc.*; August 1991.

These activities also include the following accessory activities relevant to the project:/31/

- "(a) Off-street parking and loading serving a principal activity, whether located on the same lot thereas or on a different lot, but only if the facilities involved are reserved for the residents, employees, patrons, or other persons participating in the principal activity.

IV. Environmental Setting Impacts and Mitigation Measures

"(g) Storage of goods sold by a principal Commercial Activity...engaged in by the same firm on the same lot.

"(j) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot."

The proposed Lucky Supermarket expansion would, therefore, be a conditionally permitted activity under the C-27 Zone designation. Development regulations applicable to the proposed project under the C-27 Zone designation include minimum lot size, development floor area ratio, setback from lot lines and building height. The project would require a major conditional use permit as defined in Section 9201 of the *Oakland Zoning Regulations*. The purpose of the Conditional Use Permit Procedure is "to prescribe the procedure for the accommodation of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval."/32/

The project meets C-27 Zone requirements for minimum lot size, lot width and street frontage; for front and rear yard setbacks; for allowable floor-area ratio (FAR); and for off-street parking spaces. The project does not, however, meet the height and setback requirements for a commercial use bordering a lot zoned R-30 on an interior side-lot line. As noted above, the *Oakland Zoning Regulations* mandate a height limitation of 30 feet and a 10-foot setback from the lot line for the commercial use./20,21/ The project provides neither and would require a minor variance under Section 9600 of the *Oakland Zoning Regulations*./33/

Off-street parking requirements under the *Zoning Regulations* would apply to the proposed project. As a Commercial activity in the C-27 Zone, requirements for off-street parking would be 170 spaces, based on requirements of one parking space for every 200 sq. ft. of commercial space. The proposed project would provide 178 off-street parking spaces, including 78 rooftop spaces, 46 basement spaces, and 54 on-site surface parking spaces.

Because on-site parking would be controlled by the Lucky Supermarket, the project would eliminate parking that currently satisfies the zoning ordinance requirement for the Bank of America building and the existing Lucky supermarket building, each of which would become a nonconforming use under Section 7501, which states that the amount of existing parking may not be reduced below the code-required amount. The

Bank of America building, with 18,000 sq. ft. of commercial (retail and service) space, requires approximately 32 parking spaces, while the existing Lucky supermarket building, with 27,000 sq. ft. of commercial space, would require 68 parking spaces if it were leased to a general retail sales tenant./34/

The project would be subject to C-27 Design Review Requirements. Section 9300 et. seq. of the *Zoning Regulations* specify the purpose and procedures involved in Design Review. The project sponsor or authorized agent must file an application for Design Review with the City Planning Department, which will be reviewed by the Director of City Planning./35/ *Zoning Regulations* Section 9304 specifies the criteria under which design review approval may be granted:/36/

- "(a) That the proposal will help achieve or maintain a group of facilities which are well related one to another and which, taken together, result in well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered...
- "(b) That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of private and public investments in the area.
- "(c) That the proposed design conforms in all significant respects with any applicable district plan or development control map which has been adopted by the City Council."

The Planning Director will determine whether the proposed project conforms to the applicable design review criteria summarized above, and may approve or disapprove the proposed project. At his discretion, the Planning Director may refer the Design Review application to the City Planning Commission for decision. If the Director disapproves the project as proposed, the applicant may submit an appeal to the City Planning Commission.

As part of consideration of the appeal, the City Planning Commission would determine whether the proposed project conforms to applicable design review criteria, and may subsequently approve or disapprove the project proposal or require changes or reasonable conditions of approval as deemed necessary to ensure conformity of the project to the criteria./35/

IV. Environmental Setting Impacts and Mitigation Measures

MITIGATION MEASURES

Development of the proposed project would not have a significant effect on land use, the *Oakland Comprehensive Plan*, or zoning. Therefore, no mitigation measures would be required.

NOTES - Land Use, Comprehensive Plan and Zoning

- /1/ City of Oakland, Land Use - An Element of the *Oakland Comprehensive Plan*, Adopted by the Oakland City Council on April 29, 1980.
- /2/ Ibid. pp. 57-58
- /3/ Ibid. p. 98
- /4/ City of Oakland, *Oakland Policy Plan* - A Component of the *Comprehensive Plan*, Adopted by the Oakland City Council on October 24, 1972, and Amended through September 1980.
- /5/ Ibid. p. H1
- /6/ Ibid. pp. H1-H2
- /7/ Ibid. pp. H2-H5
- /8/ Ibid. p. H6
- /9/ Ibid. pp. H9-H10
- /10/ Ibid. pp. I4
- /11/ Ibid. pp. J2
- /12/ Ibid. pp. J6
- /13/ Ibid. pp. L1-L4
- /14/ Ibid. pp. N2
- /15/ City of Oakland, *Zoning Regulations*, Ordinance No. 7248 C.M.S. As Amended; Adopted August 31, 1965; Revised through June 13, 1989. Section 4400.
- /16/ Ibid., Section 4403.
- /17/ Ibid., Section 4404.
- /18/ Ibid., Section 4414.
- /19/ Ibid., Section 7075.
- /20/ Ibid., Section 7070.

IV. Environmental Setting Impacts and Mitigation Measures

/21/ Ibid., Section 7083

/22/ Ibid., Section 7071

/23/ Ibid., Section 3450.

/24/ Ibid., Section 3453.

/25/ Ibid., Section 3350.

/26/ Ibid., Section 3353.

/27/ Ibid., Section 6550.

/28/ Ibid., Section 3650.

/29/ Ibid., Section 3653.

/30/ Ibid., Section 2360.

/31/ Ibid., Section 2211

/32/ Ibid., Section 9201.

/33/ Marina Carlson, Intern Planner, City of Oakland Zoning Department, telephone conversation, January 29, 1991

/34/ City of Oakland, *Zoning Regulations*, Section 7513.

/35/ Ibid., Sections 9304 and 9305.

/36/ Ibid., Sections 9300, 9301(b) and 9303(a)

B. TRANSPORTATION, CIRCULATION AND PARKING**SETTING**

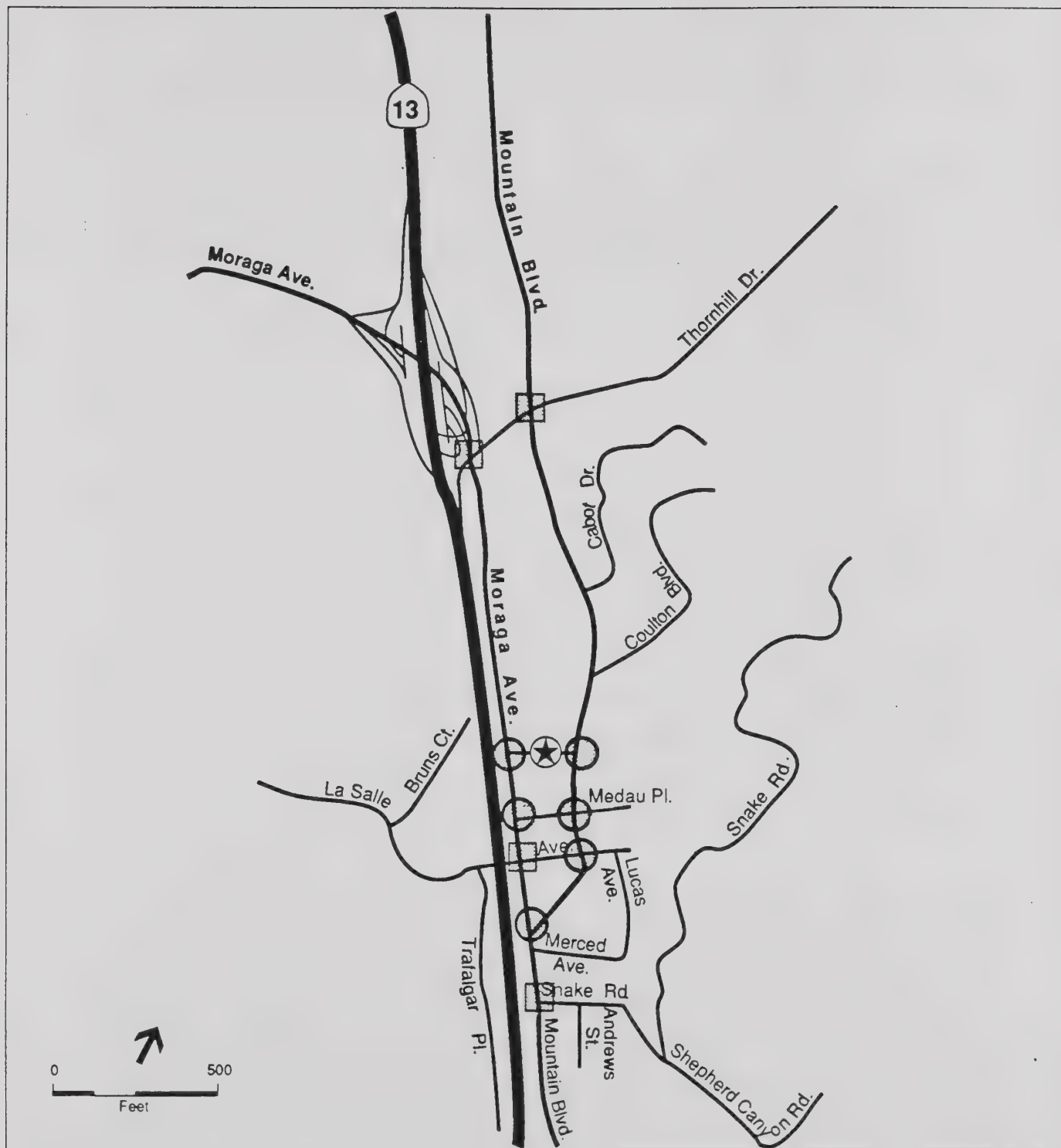
The existing Lucky supermarket is part of a shopping center that includes the Lucky building, a surface parking lot containing about 175 parking spaces, and the Bank of America building across the parking lot from the Lucky Supermarket. In addition to the supermarket, the Lucky building contains a vacant retail space, the former Freeway Variety store. The Bank of America building contains, in addition to the bank, a dry cleaning store, a veterinary clinic, a hair salon, a travel agency, a retail storefront temporarily in use as an insurance office, and other offices. Shopping center customers receive free validated parking; non-shopping center motorists pay to park in the shopping center lot.

Street Network

The proposed project is located in the Montclair Village commercial district in the City of Oakland. Figure 8 displays the street network in the project vicinity. The Montclair Village Lucky Supermarket is located between Mountain Boulevard and Moraga Avenue, south of Thornhill Drive and the Montclair Recreation Center.

State Route 13 (SR 13; also known as the Warren Freeway), provides regional access to Montclair Village via ramps at and near Moraga Avenue / Thornhill Drive and Park Boulevard. State Route 13 is a four-lane divided highway which carries about 47,500 vehicles per day in the project area. Thornhill Drive is a two-lane collector street carrying about 10,000 vehicles per day between Mountain Boulevard and Moraga Avenue, connecting hillside residences to the east with State Route 13. Moraga Avenue is a north-south, four-lane arterial carrying about 10,000 vehicles per day, with parking permitted on both sides of the street in Montclair Village.^{1/} The intersection of Moraga Avenue and Thornhill Drive is signalized. Mountain Boulevard is the main commercial street, carrying about 9,100 vehicles per day in Montclair Village, with two travel lanes and parking permitted on both sides of the street.^{1/} The intersection of Mountain Boulevard / Thornhill Drive is signalized.

Bordering the existing shopping center, Medau Place is a two-lane, east-west street, with parking provided on both sides of the street.^{1/} The east terminus of Medau Place



-  Unsignalized Intersection Studied
-  Signalized Intersection Studied
-  Project Site

SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 8
Road Network in
Project Site Vicinity

is a relatively steep incline. The west terminus of Medau Place intersects with Moraga Avenue. The intersections of Mountain Boulevard / Medau Place and Moraga Avenue / Medau Place are controlled by stop signs on the Medau Place approaches.

LaSalle Avenue is a two-lane roadway carrying about 5,000 vehicles per day, with diagonal parking permitted on each side of the street between Moraga Avenue and Mountain Boulevard./1/ Diagonal parking is permitted on the north side of the street between Mountain Boulevard and Lucas Avenue. LaSalle Avenue links the City of Piedmont to the west with Montclair Village and the Montclair Parking Garage to the east. Mountain Boulevard / LaSalle Avenue is a four-way stop-controlled intersection. The Moraga Avenue / LaSalle Avenue intersection is signalized.

Mountain Boulevard, which parallels Moraga Avenue south of Thornhill Drive, curves westward and intersects with Moraga Avenue south of LaSalle Avenue. This T-intersection is controlled by a stop sign on the westbound Mountain Boulevard approach; south of this intersection, Moraga Avenue becomes Mountain Boulevard.

Snake Road is a collector street which facilitates travel between Montclair residences and the commercial district and regional roadways. The Snake Road / Mountain Boulevard intersection is controlled by a traffic signal.

Traffic Operations

The analysis of operating conditions focuses on specific intersections rather than roadway segments, as the capacity of intersections controls the capacity of the roadway. Intersection level of service (LOS) is a function of traffic volume, intersection capacity and delays. A scale has been established to designate the quality of operations at intersections. This scale ranges from LOS A (little or no delay) to LOS F (significant delay); LOS D is considered the lowest acceptable LOS in most urban locations. See Appendix C, Transportation Appendix, for LOS definitions.

Traffic circulation within Montclair Village is characterized by narrow streets with curbside parking permitted on both sides of the streets, slow vehicular speeds, many turning movements and parking maneuvers, and a relatively high level of pedestrian activity. Four signalized intersections and six unsignalized intersections in Montclair

IV. Environmental Setting Impacts and Mitigation Measures

Mountain Boulevard / La Salle Avenue intersection; and five accidents per year occurred at the Mountain Boulevard / Moraga Avenue intersection. Accident data was not available for the shopping center driveways.

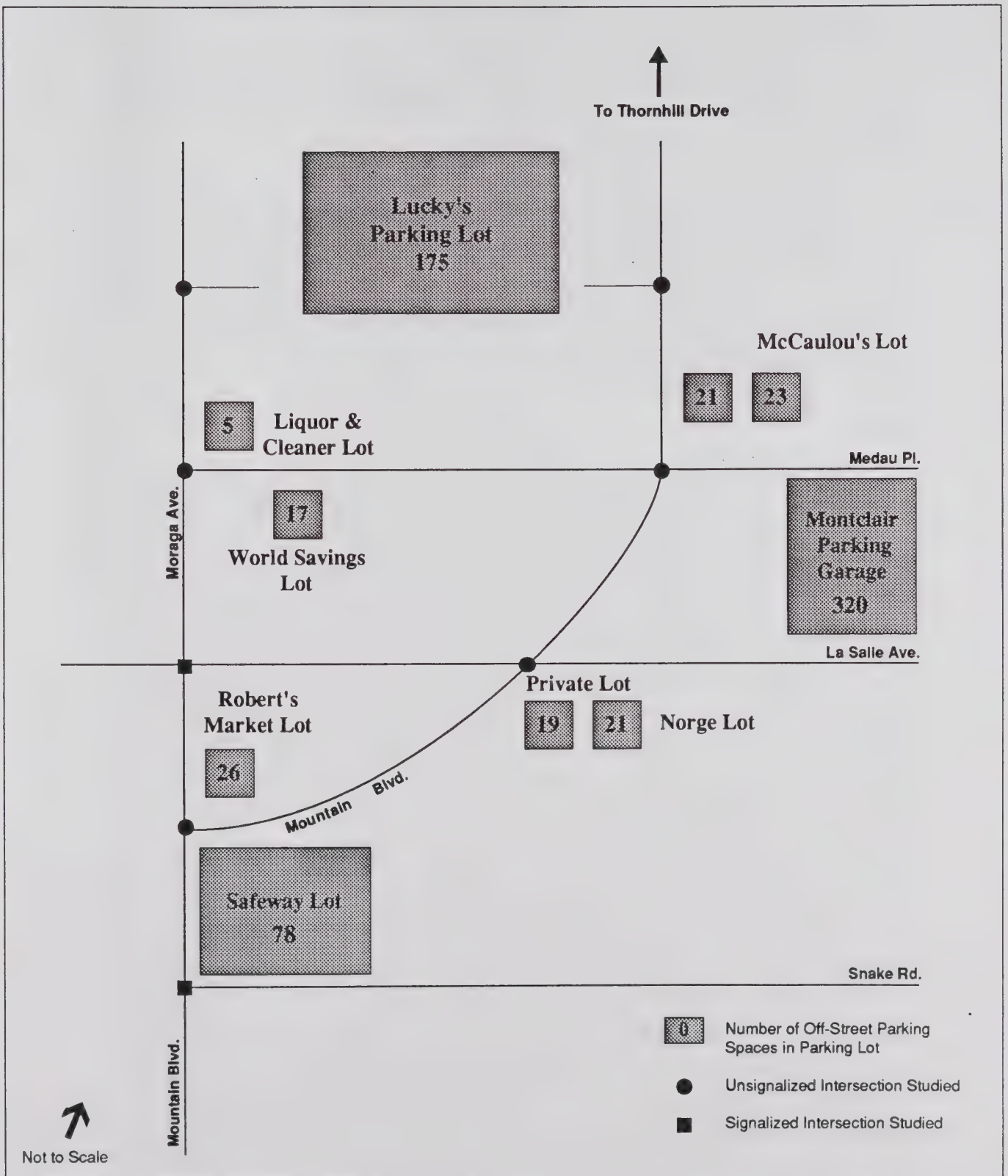
Pedestrian-vehicle accidents were tallied at the ten project intersection for the period 1985 through 1990. Over these six years, a total of five accidents occurred. Accident locations were the intersections of Moraga Avenue / Thornhill Drive (1987 and 1988, one each year), Moraga Avenue / Medau Place (one in 1988), and Mountain Boulevard / Thornhill Drive (two in 1987).

Parking

The demand for parking in Montclair Village commercial district generally saturates the supply available. The Montclair Business Association commissioned a parking study in 1984, and has been working with the City of Oakland to implement parking study recommendations.^{/5/} The Montclair Business Association parking study, conducted prior to the 1988 expansion of the Montclair Parking Garage, indicated that all parking spaces within Montclair Village, except the Montclair Parking Garage, operated at capacity. Parking occupancy is considered to be at capacity when about 85 to 90 percent of all parking spaces are occupied. One-hundred percent occupancy is not used because some spaces must be free to allow parking maneuvers, construction, loading, and/or careless parking.

Montclair Village has about 1,070 parking spaces in the commercial area.^{/5,6/} About 34 percent (365 parking spaces) of these spaces are on-street spaces. About two-thirds of on-street spaces (about 240 parking spaces) are metered; these on-street parking spaces are typically two-hour metered spaces within the core commercial district. Unrestricted/non-metered parking spaces are near the Montclair Recreation Center and on the commercial fringe. On-street spaces are surveyed every three years by the City of Oakland. Results of 1986 and 1989 City of Oakland surveys indicate that on-street parking is at capacity in the core area of Montclair Village during much of the day.^{/7/}

Approximately 66 percent of total parking spaces (705 parking spaces) in Montclair Village are off-street spaces (see Figure 11). Off-street parking is found at the Montclair Parking Garage, the project site (shopping center) lot, Safeway, Thrifty Jr., McCaulou's, and other smaller lots. The Montclair Parking Garage and the shopping



SOURCE: Environmental Science Associates, Inc., August 1991.

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Figure 11
Existing Off-Street Parking Lots
in Project Site Vicinity

IV. Environmental Setting Impacts and Mitigation Measures

center lot provide public parking (495 parking spaces total); the shopping center has free parking for patrons of the shopping center. The remaining parking lots are restricted to customer use only.

The Montclair Parking Garage contains 320 spaces, available on a first-come, first-served basis.^{/6/} The garage offers monthly passes, mostly purchased by Montclair Village office workers and realtors. About 275 passes are currently issued. In 1984, the garage had about 210 parking spaces and an approximate 70 percent maximum peak occupancy.^{/5/} A 1986 survey indicated an approximate 95 percent maximum peak occupancy.^{/7/} In 1988, a third deck was added to the Montclair Parking Garage, raising its capacity to the current 320 parking spaces. A resurvey during a 1990 weekday p.m. peak period indicated an approximate 70 percent of parking spaces were occupied. An occupancy survey during a Friday midday peak period (12:30 - 2:00 p.m.) indicated an average 65 percent of parking spaces were occupied.^{/8/} High occupancy periods for the Montclair Parking Garage are Tuesday morning, Thursday, and Friday.^{/6/} During Saturday shopping hours, there is unused capacity for Montclair Village shoppers.^{/8/} Results of a parking occupancy survey conducted at the Montclair Parking Garage on Saturday, August 3, 1991, during the noon peak hour indicate that about 60 percent of parking spaces (about 195 parking spaces) in the garage were occupied, and that 40 percent of parking spaces (about 125 parking spaces) in the garage were available for shoppers.

A parking and land use study commissioned by the Montclair Business Association recommended a medium-range parking program that would provide an elevator at Mountain Boulevard and an enclosed pedestrian passageway to the garage.^{/5/} This improvement would increase the desirability of parking in the Montclair Parking Garage.

The shopping center parking lot on the project site contains about 175 parking spaces, and operates at or above capacity during most weekdays and Saturdays during the midday period.^{/5,9/} The Saturday midday period coincides with the peak traffic hour. Lucky Supermarket employees do not use this parking lot while working. Most employees park on Moraga Avenue toward the fringes of the business district (e.g., near the Moraga Avenue Fire Station). A few employees park in the Montclair Parking Garage.

IV. Environmental Setting Impacts and Mitigation Measures

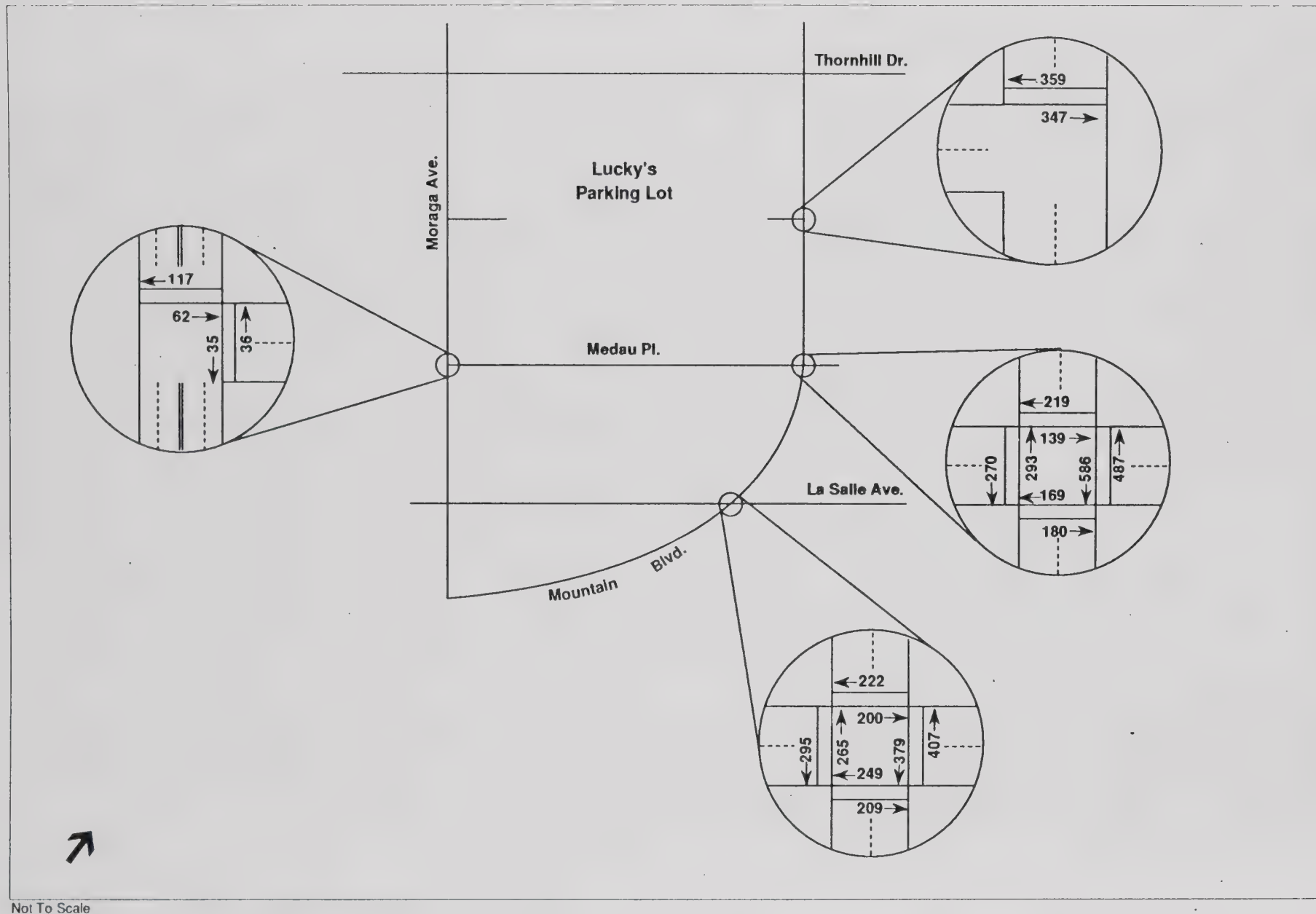
A survey of parkers leaving the shopping center was conducted on Tuesday, December 11, 1990, during the p.m. peak period, and on Saturday, December 8, 1990, during the midday peak period. Survey results indicate that of 83 drivers surveyed during a weekday p.m. peak hour, 58 drivers visited one business, 20 drivers visited two businesses, and 5 drivers visited three or more businesses (i.e., on average, 1.2 businesses were visited per parked vehicle). About 80 percent of all surveyed drivers went to the Lucky Supermarket. About 20 percent of all surveyed drivers did not go to Lucky while parked; information volunteered by those drivers indicated that of drivers who did not go to the Lucky Supermarket, many went to the nearby Bank of America during the time parked.

Results of the Saturday survey of drivers who parked in the shopping center indicated that of 170 drivers, 84 visited one business, 52 visited two businesses, and 34 visited three or more businesses (i.e., on average, 1.8 businesses were visited per parked vehicle). Of the drivers surveyed, about 60 percent went to the existing Lucky Supermarket. Of the 40 percent of drivers who did not go to the existing Lucky Supermarket, about half visited only one business. About 20 percent of total surveyed drivers went to the nearby Bank of America while parked in the lot.

Comparison of parking survey results indicate that during the weekday p.m. peak hour, most parkers visited one store (the Lucky Supermarket). On Saturday, parkers visited more than one store; 40 percent of the shoppers parked at the shopping center lot did not go into the Lucky Supermarket.

Pedestrian Movement

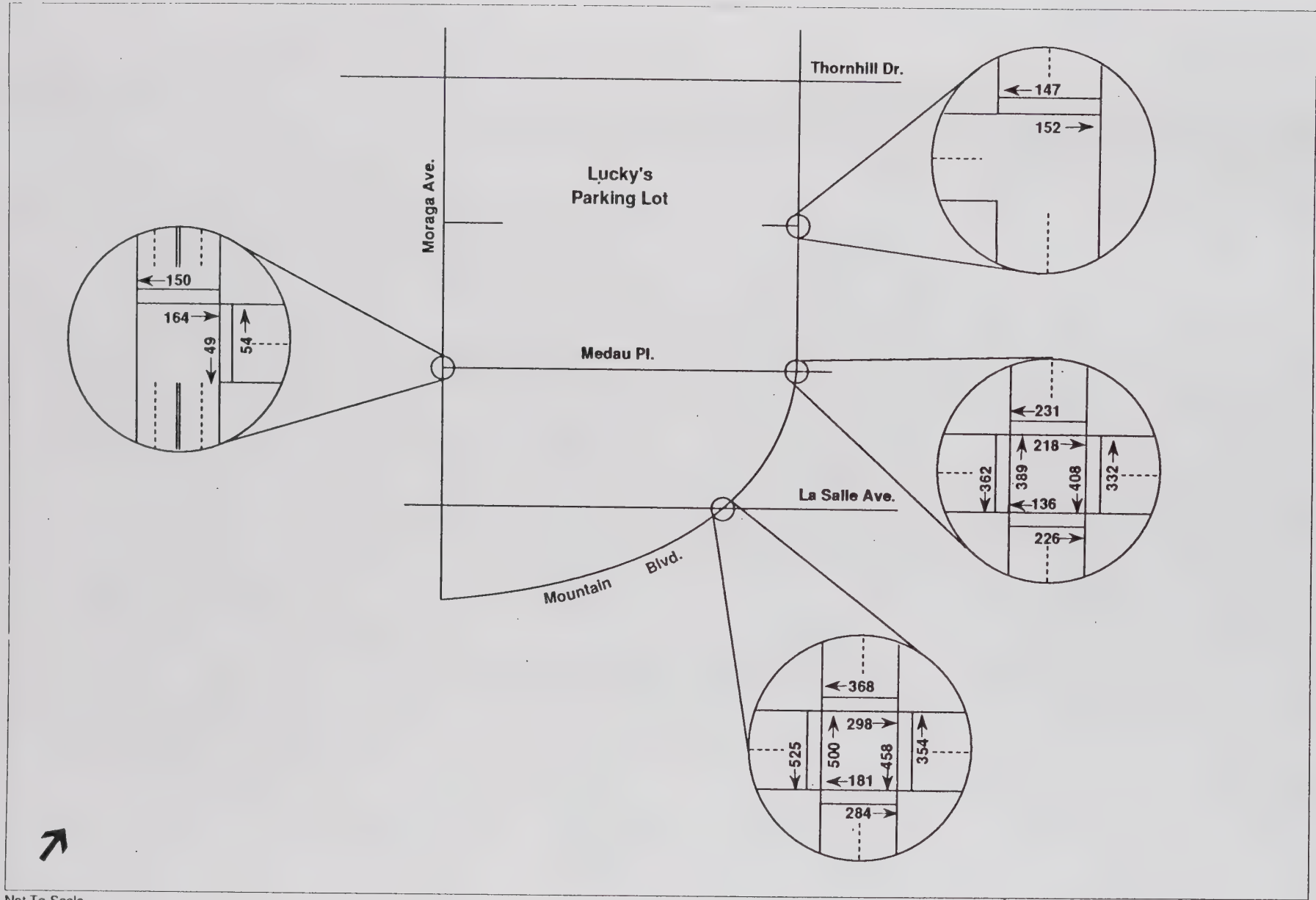
Montclair Village supports a relatively high level of pedestrian activity. Pedestrian counts were conducted at four unsignalized intersections during the Wednesday p.m. peak period and Saturday peak period.^{2/} Counts at each intersection included pedestrian movements within the immediate region of crosswalks. Figures 12 and 13 provide weekday p.m. and Saturday peak-hour pedestrian volumes, respectively. In general, pedestrians have the right-of-way in California. Thus, in Montclair, pedestrians generally are not delayed by vehicles at intersection crossings. However, the relatively large volume of pedestrian activity in Montclair Village causes drivers to reduce vehicle speeds on Mountain Boulevard and cross streets.



SOURCE: Environmental Science Associates, Inc., August 1991.

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Figure 12
Existing Weekday P.M. Peak Hour Pedestrian Traffic
(One Hour Between 4:00 P.M. and 6:00 P.M.)



Not To Scale

SOURCE: Environmental Science Associates, Inc., August 1991.

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Figure 13
Existing Saturday Peak Hour Pedestrian Traffic
(One Hour Between 12:00 Noon and 2:00 P.M.)

Transit

Alameda Contra Costa Transit District (AC Transit) serves Montclair Village. Local Routes 59 and 60 travel on Thornhill Drive. Local Routes 59, 59A and Transbay Route V travel on Mountain Boulevard in Montclair Village. Routes 5, 11, 15, 60, 64, and 315 travel on Moraga Avenue./10/ Transit routes were revised in 1991 , with most routes eliminated on Mountain Boulevard between Moraga Avenue and Thornhill Drive.

The Montclair Transit Center is located at the bus stops at the intersection of Medau Place and Moraga Avenue, adjacent to the existing shopping center. This is a timed-transfer center where buses converge, facilitating convenient transfers, and leave. For short periods of time during the day, the Medau Place and Moraga Avenue bus stops are completely occupied by buses. Pedestrian activity increases in the immediate area of the transit center during bus arrivals.

IMPACTS

Construction/11/

Trucks delivering building materials to the site and hauling excavation materials and debris from the site would increase traffic on local streets during the construction period. Construction workers traveling to and from the site would also generate traffic in the site vicinity. The construction period would last about 48 weeks, and would start shortly after issuance of a building permit.

Truck trips and construction worker trips would have the heaviest impact during peak hours. Truck traffic typically occurs after the a.m. peak hour and before the p.m. peak hour. A construction staging area would be located within five miles of the project site; truck trips would be made while delivering materials to the as-yet undesignated staging area and between the staging area and the construction site. Construction truck deliveries would access the site from both Moraga Avenue and Mountain Boulevard, with deliveries from Moraga Avenue, the preferred access.

The project would require excavation of about 2,300 cubic yards of soil. Although some excavated material might be reused as on-site fill, up to about 80 truckloads of excavated material could require off-site disposal over about three weeks (about four

IV. Environmental Setting Impacts and Mitigation Measures

truckloads per day, or eight truck trips per weekday). Excavated material would be hauled on area roads. In the later stages of construction, up to about 6,600 cubic yards, or about 230 truckloads, of fill would be required. These trucks trips would occur over about two weeks, and would be expected to generate about 46 truck trips per weekday. The impact of about 620 truck trips for excavation and fill would be the lessening of capacities of Moraga Avenue and haul routes because of the slower movements and large turning radii of construction trucks compared to passenger vehicles. Lane blockage on Moraga Avenue by queued trucks, if it were to occur, would reduce the capacity of this road, affecting AC Transit routes travelling along Moraga Avenue. Blockage during times of peak traffic flows would have greater potential to create conflicts than during non-peak hours because of the greater number of vehicles on Moraga Avenue and their need to maneuver around queued trucks. Truck traffic from 6:00 a.m. to 9:00 a.m. or from 3:30 p.m. to 6:30 p.m. would coincide with commute traffic, and would worsen commute traffic operations. In addition, construction - related truck trips could increase the wear and tear of local streets.

Construction workers would travel during peak commute hours and could affect intersection operations during peak hours in the project vicinity. Construction - generated traffic would be temporary and limited to the construction period.

Construction workers would most probably drive to the site, requiring parking for their vehicles during work hours. Parking is at or near capacity in Montclair Village during much of the day. Because construction activities start before businesses and stores open, construction workers would occupy parking spaces used by clients and shoppers.

During the first 34 weeks of the construction period, the existing Lucky Supermarket would remain open for business. About 53 parking spaces accessed from Mountain Boulevard (about 30 percent of existing parking in the shopping center) would be available for customer parking in the surface parking lot. During the final 14 weeks of construction, there would be no parking available on-site. Neither the existing Lucky Supermarket nor the proposed Lucky Supermarket would be open during this 14-week period. Unaccommodated vehicles would be expected to search for parking at the Montclair Parking Garage or in on-street or off-street parking spaces in the surrounding area. On-street parking would be at or above capacity in the business area near the shopping center. During this period, some shoppers could be expected to shop at a different store where parking would be more available. Loss of parking for construction would be unavoidable, but temporary.

Construction of the project would not change the configuration of Mountain Boulevard or on-street parking adjacent to the project site on Mountain Boulevard. Construction of the loading dock which would be accessed from Moraga Avenue would permanently displace five on-street parking spaces on Moraga Avenue (refer to Figure 3).

Project Trip Generation

Table 5 displays theoretical trip generation estimates for the existing shopping center, the future shopping center with proposed Lucky Supermarket, which includes the main-floor supermarket and basement storage area, and the net increase due to the project. Trip generation was estimated on the basis of the Institute of Transportation Engineers, *Trip Generation* (4th edition), for shopping centers. Trips were evaluated for the existing shopping center because the entire shopping center generates trips which enter and exit the parking lot. The future shopping center with a new Lucky Supermarket and the existing Lucky store occupied by another retail use were estimated; the net change in theoretical trips is a result of the expanded retail space. According to theoretical estimates, the net increase in retail space associated with the proposed Lucky Supermarket would generate about 1,940 additional daily weekday trips and about 2,455 additional Saturday trips, with about 135 additional weekday trips and 230 additional Saturday trips occurring during the p.m. and midday peak hour, respectively.

Actual weekday p.m. peak-hour traffic turning movements at the Moraga Avenue / shopping center driveway and Mountain Boulevard / shopping center driveway intersections indicate that existing trip generation is about 17 percent larger on weekdays and about 41 percent larger on Saturdays than estimated by the Institute of Transportation Engineers, *Trip Generation* (4th edition), for shopping centers. Table 6 provides adjusted trip generation estimates which reflect the traffic data collected for this analysis. As indicated by empirical trip generation formulas, when retail spaces become larger, the number of patrons, and trips, increases at a decreasing rate. Stores reach a limit of customers that can be served based on the number of cash registers available and their ability to process purchases. Also, customers may not enter a store that they perceive is crowded, and may shop at a less crowded time. Adjusted trip generation rate calculations show that the net increase in retail space associated with the proposed Lucky Supermarket would generate about 2,020 additional daily weekday

TABLE 5: THEORETICAL TRIP GENERATION /a/

Use	sf GLA <u>/b/</u>	Daily vte <u>/c,d/</u>	Weekday		Daily vte <u>/c,d/</u>	Saturday	
			P.M. Peak Hour vte <u>/e/</u>	P.M. Peak Hour In/Out/ <u>f/</u>		Midday Peak Hour vte <u>/e/</u>	Midday Peak Hour In/Out/ <u>f/</u>
Future Shopping Center/g/	80,050	6,430	555	270/285	8,225	800	410/390
Existing Shopping Center/h/	<u>46,000</u>	<u>4,490</u>	<u>420</u>	<u>205/215</u>	<u>5,770</u>	<u>570</u>	<u>290/280</u>
Net Increase 34,050 (with Future Lucky)	1,940	135	65/70	2,455	230	120/110	

/a/ based on ITE, Trip Generation, 4th ed., 1987

/b/ sf GLA - square feet of gross leasable area - includes storage area and loading docks.

/c/ vte - vehicle trip end - a single one-way trip.

/d/ Daily vte equation: weekday $\text{Ln}(T) = 0.65 \text{Ln}(x) + 5.92$; $x = 1,000$ sf GLA. Saturday $\text{Ln}(T) = 0.64 \text{Ln}(x) + 6.21$; $x = 1,000$ sf GLA.

/e/ P.M. Peak Hour vte equation: weekday $\text{Ln}(T) = 0.52 \text{Ln}(x) + 4.04$. Saturday $\text{Ln}(T) = 0.62 \text{Ln}(x) + 3.97$; $x = 1,000$ sf GLA.

/f/ For Peak Hour vte, 49% of weekday trips enter and 51% exit the shopping center. 51% of Saturday trips enter and 49% exit the shopping center.

/g/ Shopping Center includes all uses listed in note h and the new proposed Lucky Supermarket. This category assumes the existing Lucky and Freeway Variety stores would be occupied with a general retail use.

/h/ Shopping Center includes: Lucky Supermarket and Freeway Variety (currently vacant), both in the existing Lucky Supermarket building; Dry Clean Time, Montclair Veterinary Clinic & Hospital, Montclair Hair Care, Bank of America, New World Travel, offices, and a retail storefront in temporary use as an insurance office, all in the Bank of America Building; and Fotomat. Gross Leasable Area provided by Patti Evans, Property Manager, Sturtevant Enterprises, December 7, 1990.

SOURCE: Institute of Transportation Engineers, Trip Generation, 4th edition, 1987. Land Use 820, Shopping Center; and Environmental Science Associates, Inc., March 1992

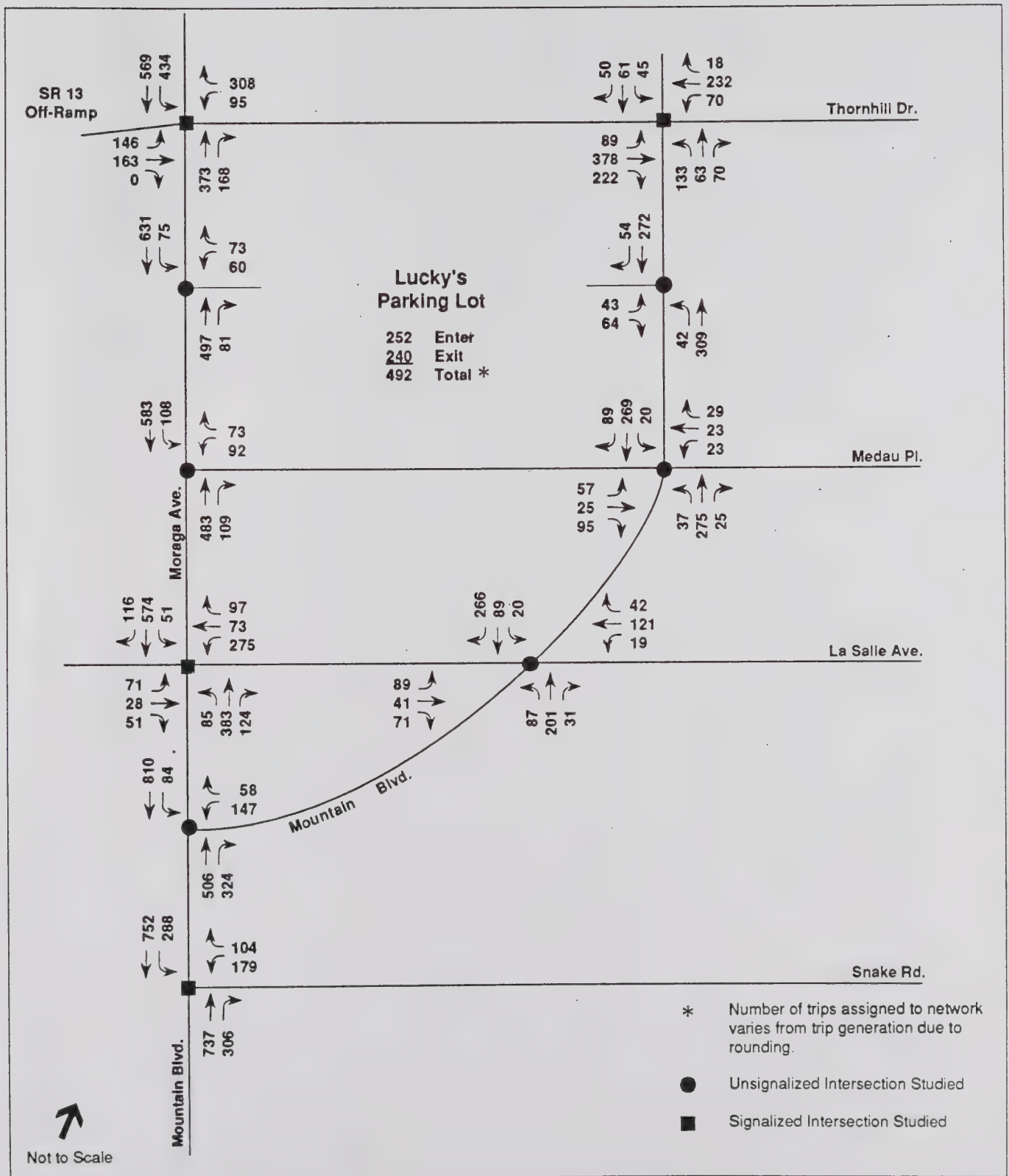
IV. Environmental Setting Impacts and Mitigation Measures

Village were selected for LOS analysis by the City of Oakland. Peak-period (4:00 p.m. to 6:00 p.m. during weekdays and 12:00 noon to 2:00 p.m. weekends) turning movement counts were conducted at the 10 Montclair Village intersections on Saturday, December 8, 1990, and on Wednesday, December 12, 1990./2/ From each two-hour count, the highest traffic hour was selected for LOS analysis. The weekday p.m. peak hour occurred between approximately 5:00 p.m. and 6:00 p.m. along Moraga Avenue, and about 15 minutes earlier on Mountain Boulevard. The Saturday peak hour occurs around the 12:00 noon to 1:00 p.m. hour. Figure 9 shows existing weekday p.m. peak-hour traffic of study intersections. Because the actual peak hour varied at each intersection, as indicated above, no times were indicated. Figure 10 shows Saturday midday peak-hour traffic at study intersections.

Both signalized and unsignalized study intersections were analyzed using Highway Capacity Manual procedures, with the exception of four-way stop-controlled intersections, for which a separate methodology was used./3/ Four-way stop-controlled intersections were analyzed using methodology outlined in the Transportation Research Board's *Circular 373*./3/ The analysis of signalized intersections yields a LOS for the intersection as a whole, based on the average vehicle delay, in seconds per vehicle (S/V). The analysis of four-way stop-controlled intersections similarly yields a LOS for the intersection as a whole, based on average vehicle delay. The analysis of unsignalized intersections, where a minor street is controlled by stop signs and the major street is uncontrolled, yields a LOS for the minor street turn movements and for the left-turn movement from the major street, based on the degree of delay experienced by vehicles waiting for a gap in the conflicting traffic streams in order to cross or turn safely.

Signalized Intersections

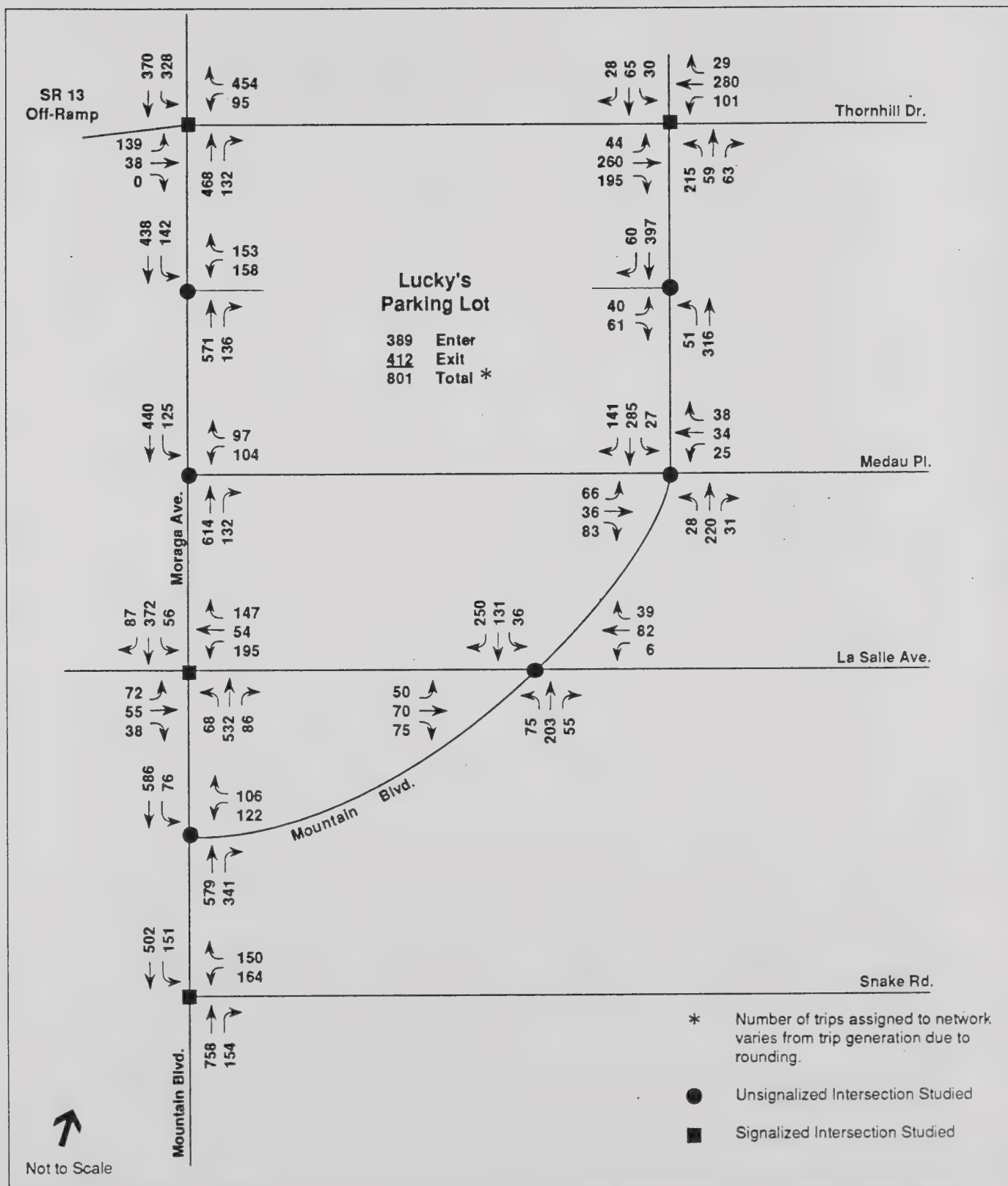
Existing operating conditions at signalized study intersections are provided in Table 2. The Moraga Avenue / Thornhill Drive intersection operates at capacity (LOS E) during the weekday p.m. peak hours and above capacity (LOS F) during the Saturday peak hour. Generally, LOS D or better is considered acceptable for peak-hour intersection operations in Oakland and other urbanized areas; intersection operations worse than LOS D (LOS E or LOS F) are considered unacceptable and warrant improvement.



SOURCE: Environmental Science Associates, Inc., August 1991.

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Figure 9
Existing Weekday P.M. Peak Hour Traffic
(One Hour Between 4:00 P.M. and 6:00 P.M.)



SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 10
 Existing Saturday Peak Hour Traffic
 (One Hour Between 12:00 Noon and 2:00 P.M.)

TABLE 2: EXISTING LEVELS OF SERVICE (LOS) FOR PEAK HOUR CONDITIONS AT SIGNALIZED INTERSECTIONS/a/

<u>Intersection</u>	<u>Weekday P.M.</u>		<u>Saturday</u>	
	<u>S/V /b/</u>	<u>LOS</u>	<u>S/V /b/</u>	<u>LOS</u>
Moraga Ave. / Thornhill Drive	44.6	E	62.6	F
Moraga Ave. / La Salle Avenue	17.3	C	13.0	B
Mountain Blvd. / Thornhill Drive	25.7	D	23.0	C
Mountain Blvd. / Snake Road	13.3	B	16.4	C

/a/ The analysis of signalized intersections yields a LOS for the intersection as a whole, based on average delay of seconds per vehicle.

/b/ S/V - average delay for the intersection as a whole expressed as seconds per vehicle; used for signalized intersections only.

SOURCE: Environmental Science Associates, Inc., August 1991; revised March 1992

Permitting southbound left turns from Moraga Avenue onto Thornhill Drive during the north-south through movement signal phase would improve operations to LOS C during weekday p.m. peak hours and LOS C during Saturday peak hours. Allowing left-turns from Moraga Avenue onto Thornhill Drive during the through movement phase would increase the potential of conflicts between these movements and accidents at this intersection could increase. Allowing southbound double left-turns from Moraga Avenue onto Thornhill Drive was not considered because Thornhill Drive has only one lane in each direction; two left-turn lanes would have to merge together before entering the single Thornhill Drive travel lane.

Other signalized intersections in the project area currently operate at LOS D or better during the p.m. weekday and Saturday peak hours.

Unsignalized Intersections

Operating conditions currently experienced at unsignalized study intersections are provided in Table 3. The intersections of Moraga Avenue / Medau Place, Mountain

TABLE 3: EXISTING LEVELS OF SERVICE (LOS) FOR PEAK HOUR CONDITIONS AT UNSIGNALIZED INTERSECTIONS /a/

<u>Intersection</u>	<u>Weekday P.M. Peak Hour LOS</u>	<u>Saturday Peak Hour LOS</u>
Moraga Ave. / Medau Place		
Medau Place Approach	F	F
Moraga Avenue Left Turns	B /b/	D /b/
Moraga Ave. / shopping center driveway		
Shopping center Approach	E	F
Moraga Avenue Left Turns	A	C
Mountain Blvd. / shopping center driveway		
Shopping center Approach	B /b/	C /b/
Mountain Blvd. Left Turns	A /b/	A /b/
Mountain Blvd. / Medau Place		
Medau Place Approach	C /b/	C /b/
Mountain Blvd. Left Turns	A /b/	A /b/
Mountain Blvd. / La Salle Avenue	B /b,c/	B /b,c/
Delay (seconds/vehicle) /d/	7.0	6.1
Mountain Blvd. / Moraga Avenue		
Mountain Blvd. Westbound Approach	F	F
Moraga Avenue Left Turns	C	C

/a/ The analysis of unsignalized intersections, where a minor street is controlled by stop signs and the major street is uncontrolled, yields a LOS for the minor street movements and for the left-turn movement from the major street, based on the degree of delay experienced by vehicles waiting for a gap in the conflicting traffic streams in order to cross or turn safely. LOS shown represents the worst service level for minor street single-lane approaches and for major street left turns.

/b/ LOS calculation does not account for pedestrian activity at this intersection. Pedestrian movements were observed to delay vehicular movements, resulting in an LOS worse than depicted, by about one service level.

/c/ LOS determination for a four-way stop-controlled intersection was made based on the methodology in Transportation Research Board, *Transportation Research Circular 373*, July 1991.

/d/ Delay is calculated only for four-way stop-controlled intersections.

SOURCE: Environmental Science Associates, Inc., August 1991; revised May 1992

IV. Environmental Setting Impacts and Mitigation Measures

Boulevard / shopping center driveway, Mountain Boulevard / Medau Place, and Mountain Boulevard / LaSalle Avenue have a relatively large amount of pedestrian activity. Because the analysis of operating conditions at unsignalized intersections does not account for pedestrian movements, LOS designations included in Table 3 do not account for relatively high pedestrian activity at these intersections. Pedestrian movements were observed to delay vehicular movements, resulting in an LOS about one service level worse than indicated in Table 3.

Westbound left turns from Medau Place onto Moraga Avenue operate at LOS F during both the weekday p.m. and Saturday peak hours. Southbound left turns from Moraga Avenue onto Medau Place operate at LOS B during the weekday p.m. peak hour and LOS D during the Saturday peak hour. The analysis of this unsignalized intersection does not account for pedestrian activity. About 70 pedestrians per hour during the weekday p.m. peak hour and about 100 pedestrians per hour during the Saturday peak hour cross Medau Place. Pedestrian movements were observed to delay vehicular movements, resulting in an LOS about one service level worse than indicated in Table 3.

Left turns from the shopping center driveway onto Moraga Avenue operate at LOS E during the weekday p.m. peak hour and LOS F during the Saturday peak hour. Delays to left-turning vehicles cause backups into the parking lot, delaying right-turning vehicles.

Although approaches to the intersection of Mountain Boulevard / shopping center driveway operate at LOS C or better, the movement of about 700 pedestrians during a weekday p.m. peak hour and 300 pedestrians during a Saturday peak hour across Mountain Boulevard were observed to worsen LOS for the approaches by about one level.

The intersection at Mountain Boulevard / Medau Place is used by approximately 2,350 pedestrians during a weekday p.m. peak hour and 2,200 pedestrians during a Saturday peak hour. Critical movements at this intersection operate at LOS C or better theoretically; pedestrians-induced delays worsen LOS by about one level.

The four-way stop-controlled intersection at Mountain Boulevard / LaSalle Avenue was analyzed using the Transportation Research Board's *Transportation Research Circular 373*, for multi-way stop control intersection guidelines. For both existing

weekday p.m. and Saturday peak hours, the Mountain Boulevard / LaSalle Avenue intersection operates at LOS B. The addition of approximately 2,250 pedestrians during a weekday p.m. peak hour, and about 2,950 pedestrians during a Saturday peak hour results in longer delays experienced by drivers.

The westbound approach from Mountain Boulevard at the intersection of Mountain Boulevard / Moraga Avenue operates at LOS F during weekday p.m. and Saturday peak hours.

Signal Warrant Analysis

Peak-hour traffic volumes at unsignalized intersections were compared with Caltrans Signal Warrant No. 11 (Peak Hour Volumes) to determine if traffic signals were warranted./4/ Caltrans Signal Warrants are used to indicate if operations at an intersection could improve through installation of a traffic signal. The decision to install a signal should not be based solely upon the warrants, since the installation of signals may increase the frequency of certain types of collisions./4/ A series of 11 warrants are available to perform this test; Warrant No. 11 was used because peak-hour traffic volumes were readily available for each unsignalized intersection analyzed for this project. Table 4 shows the results of this analysis. Based on weekday p.m. and Saturday peak-hour traffic volumes, the intersection of Mountain Boulevard / Moraga Avenue currently meets Caltrans Warrant No. 11. Signalization of the Mountain Boulevard / Moraga Avenue intersection would result in LOS B conditions.

During the Saturday peak hour, the Moraga Avenue / shopping center driveway and Moraga Avenue / Medau Place intersections meet the peak hour signal warrant./4/ Neither intersection meets the peak-hour signal warrant for weekday p.m. peak-hour traffic volumes. To substantiate the need for signalizing these intersections, additional data collection would be desirable. Traffic volumes over a period greater than eight hours would allow additional signal warrants to be evaluated.

If the Moraga Avenue / Medau Place intersection were signalized, vehicles turning left here would have more opportunities for left turns as a result of the traffic signal, and LOS would improve. With signalization, gaps in Moraga Avenue traffic would become available for left-turning vehicles from the shopping center, and it is expected that operations at the Moraga Avenue / shopping center driveway intersection would also improve.

TABLE 4: PEAK HOUR SIGNAL WARRANT (No.11) DETERMINATION FOR EXISTING UNSIGNALIZED INTERSECTIONS /a/

<u>Unsignalized Intersection</u>	<u>Signal Warrant Met?</u>	
	<u>Weekday P.M. Peak Hour</u>	<u>Saturday Peak Hour</u>
Moraga Ave. / Medau Place	No	Yes
Moraga Ave. / shopping center driveway	No	Yes
Mountain Blvd. / shopping center driveway	No	No
Mountain Blvd. / Medau Place	No	No
Mountain Blvd./La Salle Avenue	No	No
Mountain Blvd. / Moraga Avenue	Yes	Yes

/a/ Peak-hour signal warrant is from Caltrans Traffic Manual, Chapter 9, Warrant No. 11, Figure 9-8.

SOURCE: Environmental Science Associates, Inc., August 1991

Other unsignalized study area intersections do not meet the peak-hour signal warrant using either weekday or Saturday peak-hour traffic volumes.

Safety

Study intersections were evaluated for the average number of traffic (vehicle) accidents which occurred on a yearly basis (1985-1990), using City accident data. At signalized study intersections, on average, four accidents per year occurred at the Moraga Avenue / Thornhill Drive intersection; six accidents per year occurred at the Moraga Avenue / La Salle Avenue intersection; four accidents per year occurred at the Mountain Boulevard / Thornhill Drive intersection; and six accidents per year occurred at the Moraga Avenue / Snake Drive intersection. At unsignalized study intersections, on average, seven accidents per year occurred at the Moraga Avenue / Medau Place intersection; eight accidents per year occurred at the Mountain Boulevard / Medau Place intersection; two accidents per year occurred at the

TABLE 6: ADJUSTED TRIP GENERATION /a/

Use	sf GLA /b/	Weekday			Saturday		
		Adjusted Daily vte(T) /c,d/	Adjusted PM Peak Hour vte(T)/e/	Adjusted PM Peak Hour In/Out/f/	Adjusted Daily vte /c,d/	Adjusted Midday Peak Hour vte(T)/e/	Adjusted Midday Peak Hour In/Out/f/
Future Shopping Center/g/	80,050	7,270	630	310/320	13,000	1,264	645/619
Existing Shopping Center/h/	46,000	5,250	490	240/250	8,110	801	409/392
Net Increase 34,050 (with Future Lucky)	2,020	140	70/70	4,890	463	236/227	

/a/ based on ITE, Trip Generation, 4th ed., 1987

/b/ sf GLA - square feet of gross leasable area - includes storage area and loading docks.

/c/ vte - vehicle trip end - a single one-way trip.

/d/ Based on daily vte equation: weekday $\ln(T) = 0.65 \ln(x) + 5.92$; $x = 1,000$ sf GLA. Saturday $\ln(T) = 0.64 \ln(x) + 6.21$; $x = 1,000$ sf GLA.

/e/ Based on daily vte equation: weekday $\ln(T) = 0.52 \ln(x) + 4.04$; $x = 1,000$ sf GLA. Saturday $\ln(T) = 0.62 \ln(x) + 3.97$; $x = 1,000$ sf GLA.

/f/ For Peak Hour vte, 49% of weekday trips enter and 51% exit the shopping center. 51% of Saturday trips enter and 49% exit the shopping center.

/g/ Shopping Center includes all uses listed in note h and the new proposed Lucky Supermarket. This category assumes the existing Lucky and Freeway Variety stores would be occupied with a general retail use.

/h/ Shopping Center includes: Lucky Supermarket and Freeway Variety (currently vacant), both in the existing Lucky Supermarket building; Dry Clean Time, Montclair Veterinary Clinic & Hospital, Montclair Hair Care, Bank of America, New World Travel, offices, and a retail storefront in temporary use as an insurance office, all in the Bank of America Building; and Fotomat. Gross Leasable Area provided by Patti Evans, Property Manager, Sturtevant Enterprises, December 7, 1990.

SOURCE: Institute of Transportation Engineers, Trip Generation, 4th edition, 1987. Land Use 820, Shopping Center; and Environmental Science Associates, Inc., March 1992

trips and about 4,890 additional Saturday trips, with about 140 additional weekday trips and 463 Saturday trips occurring during the p.m. and midday peak hour, respectively. These adjusted trip estimates were used for the analysis of the proposed project.

Trip Assignment

The assignment of new trips to and from the shopping center was based on a driver survey conducted in early December 1990./8/ Table 7 shows origins and destinations of drivers who parked and were surveyed in the shopping center parking lot. From this survey it was determined that during the weekday p.m. peak hour, about 75 percent of drivers who park in the shopping center lot are making local trips, typically using Thornhill Drive and Snake Road to travel to and from Montclair residences. About 15 percent come from Piedmont, and about 10 percent come from and leave toward other parts of Oakland. On Saturday during the peak hour, about 65 percent of drivers who park at the shopping center travel to and from local locations (Montclair); about 25 percent travel to and from other parts of Oakland; and about 10 percent travel to and from Piedmont.

From the origins and destinations of surveyed drivers, new trips from the future shopping center, including the proposed new Lucky Supermarket, were assigned to project area intersections. It is assumed that future shopping center visitors would travel to and from the project as they currently travel. Project-generated trips from Montclair (75 percent during weekday p.m. peak hour and 65 percent during Saturday peak hour) would use Mountain Boulevard and Moraga Avenue to access the future shopping center under project conditions. The remaining 25 percent of Montclair weekday p.m. peak-hour and 35 percent of Montclair Saturday peak-hour trips would access the shopping center via Moraga Avenue. Figure 14 shows weekday p.m. peak-hour volumes at intersections after addition of traffic from the proposed project. Figure 15 shows Saturday peak-hour volumes that would result from the proposed project.

Traffic Operations

Signalized Intersections

The analysis of signalized intersections yields a LOS for the intersection as a whole, based on the average vehicle delay in seconds per vehicle (S/V). Weekday p.m. and

TABLE 7: VISITOR ORIGIN/DESTINATIONS /a/

<u>Origin/Destination</u>	<u>Weekday P.M. Peak Hour Percent (%)</u>	<u>Saturday Peak Hour Percent (%)</u>
Montclair	75	65
Piedmont	15	10
Oakland (other)	<u>10</u>	<u>25</u>
TOTAL	100	100

/a/ Percent of origins and destinations of shopping center visitors was developed from surveys of drivers exiting the shopping center parking lot conducted on Tuesday, December 11, 1990, from 4:00 to 5:30 p.m. and Saturday, December 8, 1990, from 12:00 noon to 2:00 p.m.

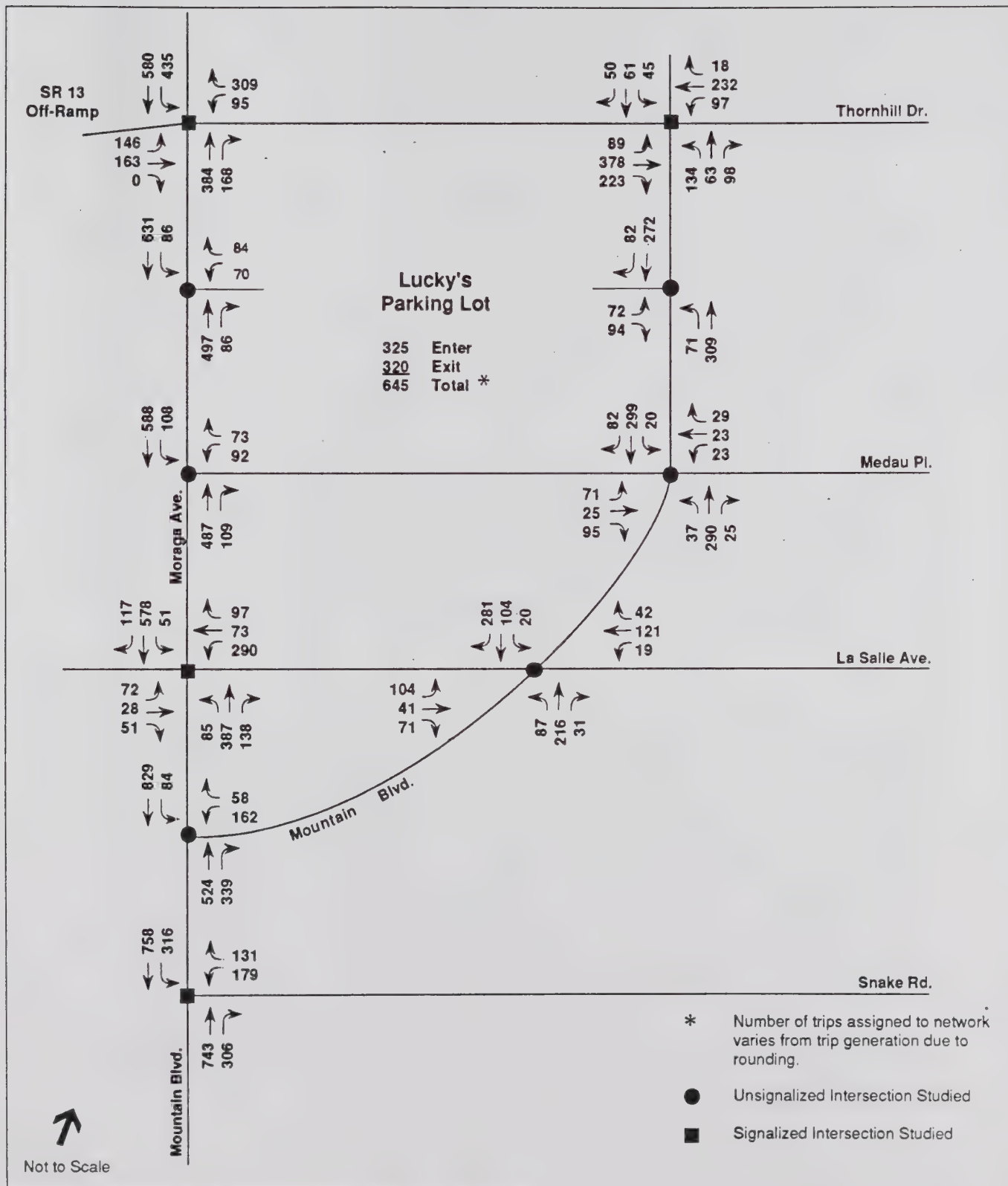
SOURCE: Environmental Science Associates, Inc., August 1991

Saturday peak hour LOS for existing and existing plus project conditions at signalized intersections are shown in Table 8. The project would have a potentially significant traffic effect, although it could be mitigated to a less-than-significant effect. Project traffic would contribute to the poor operating conditions (LOS E during weekday p.m. peak hours and LOS F during Saturday peak hours) at the Moraga Avenue / Thornhill Drive intersection. The intersection of Mountain Boulevard / Thornhill Drive would remain at LOS D during the weekday p.m. peak hour, but degrade on Saturdays from LOS C to LOS F with project traffic.

Other signalized intersections would continue operations at LOS D or better with the addition of project traffic.

Unsignalized Intersections

The analysis of unsignalized intersections, where a minor street is controlled by stop signs and the major street is uncontrolled, yields a LOS for the minor street turn movements and for the left-turn movement from the major street, based on the degree of delay experienced by vehicles waiting for a gap in the conflicting traffic streams

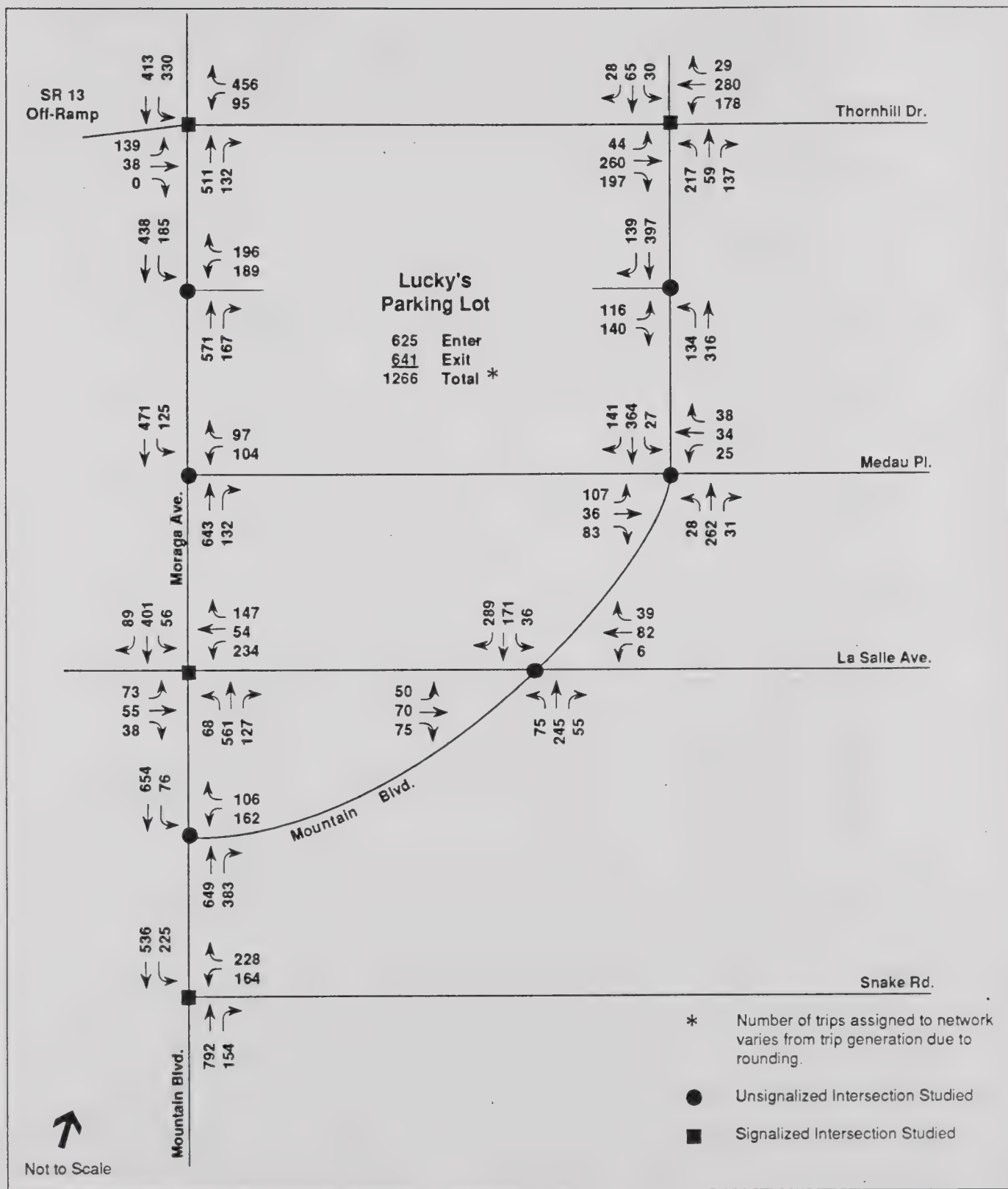


SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 14

Weekday P.M. Peak Hour
Existing Plus Project Traffic
(One Hour Between 4:00 P.M. and 6:00 P.M.)



SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 15
 Saturday Peak Hour
 Existing Plus Project Traffic
 (One Hour Between 12:00 Noon and 2:00 P.M.)

TABLE 8: EXISTING PLUS PROJECT LEVELS OF SERVICE (LOS) FOR PEAK HOUR CONDITIONS AT SIGNALIZED INTERSECTIONS /a/

Signalized Intersection	Weekday P.M.			Saturday		
	Existing S/V /b/ LOS	Existing Plus Project S/V /b/ LOS	Existing Plus Project S/V /b/ LOS	Existing S/V /b/ LOS	Existing Plus Project S/V /b/ LOS	Existing Plus Project S/V /b/ LOS
Moraga Ave / Thornhill Dr	44.6 E	45.7 E	62.6 F	/c/ F		
Moraga Ave / La Salle Ave	17.3 C	20.0 C	13.0 B	19.1 C		
Mountain Blvd / Thornhill Dr	25.7 D	31.0 D	23.0 C	/c/ F		
Mountain Blvd / Snake Rd	13.3 B	17.7 C	16.4 C	17.6 C		

/a/ The analysis of signalized intersections yields a LOS for the intersection as a whole, based on the average vehicle delay, in seconds per vehicle (S/V).

/b/ S/V - average delay for the intersection as a whole expressed as seconds per vehicle; used for signalized intersections only.

/c/ Delay is not meaningful when the volume to capacity ratio is greater than 1.2 and is therefore not provided. One or more movements operates unacceptably causing poor intersection operations overall.

SOURCE: Environmental Science Associates, Inc., August 1991; revised March 1992

to cross or turn. For four-way stop-controlled intersections (Mountain Boulevard / La Salle Avenue), the analysis yields a LOS for the intersection as a whole, based on the average delay in seconds per vehicle. Table 9 shows weekday p.m. and Saturday peak-hour LOS for unsignalized project intersections. With the addition of weekday p.m. peak-hour traffic from the proposed project, left turns from the shopping center driveway onto Moraga Avenue would worsen from LOS E to LOS F. The LOS for left turns from the shopping center driveway onto Mountain Boulevard and left turns from Medau Place onto Mountain Boulevard would worsen, but would continue to operate at LOS D or better during weekday p.m. peak hours. However, with the addition of Saturday peak-hour traffic from the project, left turns from the shopping center

TABLE 9: EXISTING PLUS PROJECT LEVELS OF SERVICE (LOS) FOR PEAK HOUR CONDITIONS AT UNSIGNALIZED INTERSECTIONS /a/

<u>Intersection</u>	<u>Weekday P.M.</u>		<u>Saturday</u>	
	<u>Existing</u>	<u>Existing Plus Project</u>	<u>Existing</u>	<u>Existing Plus Project</u>
Moraga Ave / Medau Pl Medau Approach Moraga Left Turns	F B /b/	F B /b/	F D /b/	F D /b/
Moraga Ave / shopping ctr driveway Shopping center Approach SB from Moraga Left Turns	E A	F A	F C	F C
Mountain Blvd / shopping ctr driveway Shopping center Approach Mountain Left Turns	B /b/ A /b/	D /b/ A /b/	C /b/ A /b/	F /b/ B /b/
Mountain Blvd / Medau Pl Medau Approach Mountain Left Turns	C /b/ A /b/	D /b/ A /b/	C /b/ A /b/	E /b/ A /b/
Mountain Blvd / La Salle Ave Delay (seconds/vehicle) /d/	B /b,c/ 7.0	B /b,c/ 8.2	B /b,c/ 6.1	B /b,c/ 7.8
Mountain Blvd / Moraga Ave Mountain Westbound Approach Moraga Left Turns	F C	F C	F C	F C

/a/ The analysis of unsignalized intersections, where a minor street is controlled by stop signs and the major street is uncontrolled, yields a LOS for the minor street turn movements and for the left-turn movement from the major street, based on the degree of delay experienced by vehicles waiting for a gap in the conflicting traffic streams to cross or turn. LOS shown represents the worst service level for minor street single-lane approaches and for major street left turns.

/b/ LOS calculation does not account for pedestrian activity at this intersection. Pedestrian movements were observed to delay vehicular movements, resulting in an LOS worse than depicted, by about one level of service.

/c/ LOS determination for a four-way stop-controlled intersection was made based on the methodology in Transportation Research Board, *Transportation Research Circular 373*, July 1991.

/d/ Delay is calculated only for four-way stop-controlled intersections.

SOURCE: Environmental Science Associates, Inc., August 1991, revised May 1992

IV. Environmental Setting Impacts and Mitigation Measures

driveway onto Mountain Boulevard would worsen from LOS C to LOS F; left turns from Medau Place onto Mountain Boulevard would worsen from LOS C to LOS E. Thus the project could have a potentially significant traffic effect, although it could be mitigated to a less-than-significant effect. Mountain Boulevard left turns into the shopping center would worsen from LOS A to LOS B during the Saturday peak hour. The presence of pedestrians in Montclair Village would add to diminished levels of service as described in the setting; LOS would degrade by about one LOS. Drivers would attempt to make left turns into relatively heavy traffic with relatively few chances for easy entry onto Mountain Boulevard. If left turns from the shopping center onto northbound Mountain Boulevard were prohibited, drivers would have to make a series of right turns, through the Mountain Boulevard / Medau Place intersection, to Moraga Avenue. These drivers would aggravate the poor LOS at the westbound approach of the Moraga Avenue / Medau Place intersection.

Signal Warrant Analysis

Table 10 displays results of peak-hour signal warrant analysis for existing plus project conditions. The intersection at Mountain Boulevard / Moraga Avenue met the peak-hour signal warrant under existing conditions (see Table 4)./4/ With signalization, the intersection would operate at LOS B under existing and existing-plus-project conditions. The remaining five unsignalized project intersections were reanalyzed under existing-plus-project peak hour traffic conditions. As with existing conditions, the Moraga Avenue / shopping center driveway and Moraga Avenue / Medau Place intersections would meet the peak-hour signal warrant only during Saturday peak-hour traffic conditions. The three other intersections would not meet the peak-hour signal warrant under weekday or Saturday peak-hour traffic volumes.

Safety

Study intersections were evaluated for the average number of accidents which occur on a yearly basis. On average, between two and eight vehicle accidents per year occurred at the study intersections during the period 1985 to 1990. Traffic at intersections along Moraga Avenue would increase by about two to six percent with the proposed project. Traffic along Mountain Boulevard would increase by about six percent at the Mountain Boulevard / Thornhill Drive and Mountain Boulevard / Snake Road intersections, to about 21 percent at Mountain Boulevard / shopping center

TABLE 10: PEAK HOUR SIGNAL WARRANT DETERMINATION
EXISTING-PLUS-PROJECT UNSIGNALIZED INTERSECTIONS/a/

<u>Unsignalized Intersection</u>	<u>Signal Warrant Met?</u>	
	<u>Weekday P.M. Peak Hour</u>	<u>Saturday Peak Hour</u>
Moraga Ave. / Medau Place	No	Yes/b/
Moraga Ave. / shopping center driveway	No	Yes/b/
Mountain Blvd. / shopping ctr driveway	No	No
Mountain Blvd. / Medau Place	No	No
Mountain Blvd. / LaSalle Avenue	No	No
Mountain Blvd. / Moraga Avenue	Yes/b/	Yes/b/

/a/ Peak hour signal warrant, *Caltrans Traffic Manual*, Chapter 9, Warrant No. 11, Table 9-2C.

/b/ Found to meet signal warrant No. 11 under both existing and existing-plus-project conditions (see Table 4).

SOURCE: Environmental Science Associates, Inc., August 1991

driveway intersection. The increase in traffic resulting from the project would be expected to result in generally fewer than one additional accident per year at project intersections along Moraga Avenue and Mountain Boulevard. One additional accident would be expected on average per year at Mountain Boulevard / shopping center driveway intersection.

Pedestrian-vehicle accidents at project intersections are relatively infrequent (a total of five accidents in six years at ten study intersections combined); there were fewer pedestrian - vehicle accidents than vehicle - vehicle accidents during the six-year survey. Vehicles travel relatively slowly in Montclair Village on Mountain Boulevard and pedestrians are protected by pedestrian crossings and signals at signalized intersections along Moraga Avenue. The addition of project-generated traffic to existing vehicle and pedestrian traffic would increase the potential for conflict between pedestrians and vehicles, but not to such a level that an increase in the number of accidents would be expected.

Parking

The project sponsor proposes to provide 178 parking spaces in a three-level parking structure, a net increase of about three parking spaces above those currently provided on-site, and eight more than the 170 spaces required by the City of Oakland for a store of the size proposed./12/ Five on-street spaces on Moraga Avenue would be eliminated by the creation of new curb cuts, resulting in a net decrease of two spaces in parking on and immediately adjacent to the project site. The project parking structure would contain 46 parking spaces in the basement level, 54 parking spaces on the main level adjacent to Mountain Boulevard, and 78 parking spaces on the roof level. All parking spaces would be accessible from both Moraga Avenue and Mountain Boulevard. Three spaces total, one on each level located near the elevator and garage entrance, would be reserved for handicapped patrons. Six handicapped spaces, two on each parking level, would be required by state law./13/ The proposed project would not meet City requirements for handicapped parking.

Parking demand for the proposed new Lucky Supermarket, replacement retail use(s) in the existing Lucky building, including the vacant Freeway Variety store, and other, non-Lucky uses in the shopping center was estimated for weekday p.m. and Saturday peak hours using average rates from the Institute of Transportation Engineers, *Parking Generation*, the 1984 *Montclair Village Parking and Land Use Study*, and surveys of drivers who parked in the shopping center in December 1990./5,14/

The existing Lucky store rate was determined by a tiered process that used survey data (e.g., 1.4 stores visited, on average, per shopper parked in the shopping center lot on a weekday, p.m. peak hour and 1.8 stores visited, on average, per shopper parked at shopping center on a Saturday peak hour) and store sales data (e.g., 260 customers, on average, served at Lucky during a weekday p.m. peak hour, and 274 customers, on average served at Lucky during the Saturday peak hour). Institute of Transportation Engineers rates were not used because there was insufficient data on supermarkets, and it is inappropriate to apply a shopping center rate to a supermarket. The future Lucky Supermarket rate was based on the expected percent increase in customers and resulting customer parking demand.

IV. Environmental Setting Impacts and Mitigation Measures

Table 11 shows existing and future weekday and Saturday peak parking demand for the existing and proposed Lucky Supermarkets, vacant Lucky infill (replacement retail use(s) in the existing Lucky Supermarket building, including the vacant Freeway Variety store), and non-Lucky Supermarket uses (Bank of America building). This analysis indicates that for the existing shopping center uses (Lucky Supermarket and businesses in the Bank of America building), there is a surplus of about 21 parking spaces during weekday peak parking demand and a surplus of about 17 spaces during Saturday peak demand. At parking lot capacity, these surplus spaces are occupied by other Montclair Village shoppers.

With the project, Lucky Supermarket customers would have free validated parking and other shoppers would be required to pay a fee for parking (as opposed to the current arrangement under which all shopping center patrons receive free validated parking). Any Montclair Village shopper could theoretically park in the proposed Lucky Supermarket parking lot, for a fee, if space were available. Lucky Supermarket employees would continue to use on-street parking spaces at the fringe of the business district, or the Montclair Parking Garage. Analysis of future conditions indicates that Lucky Supermarket customers would demand about 156 parking spaces during the weekday and Saturday peak demand period. With the proposed 178 parking spaces, Lucky would provide about 22 more parking spaces than peak parking demand for the supermarket.

Total shopping center demand, including the proposed new Lucky Supermarket, vacant Lucky infill (the existing supermarket and vacant Freeway Variety store occupied by other retail use(s)), and non-Lucky Supermarket uses (the Bank of America building businesses), would be about 272 parking spaces at peak weekday parking demand and about 280 parking spaces at peak Saturday parking demand. With 178 parking spaces proposed, and five on-street spaces to be eliminated, and including displaced non-shopping center demand from the existing parking lot, about 120 vehicles would be expected to be unaccommodated in the proposed Lucky Supermarket parking lot during the weekday. Unaccommodated Saturday demand would be about 124 vehicles.

Unaccommodated vehicles would be expected to search for parking at the Montclair Parking Garage or in on-street or off-street parking spaces in the surrounding area. On-street parking would be at or above capacity in the business area near the shopping center. Off-street parking spaces (except for the Montclair Parking Garage) would

TABLE 11: PARKING DEMAND

Use	Weekday						Saturday					
	Existing			Future			Existing			Future		
	Rate/a/	Ksf/b/	Spaces Demanded	Rate/a/	Ksf/b/	Spaces Demanded	Rate/a/	Ksf/b/	Spaces Demanded	Rate/a/	Ksf/b/	Spaces Demanded
Lucky Supermarket /c/	6.4	16	102	5.6	28	156	6.4	16	102	5.6	28	156
Vacant Lucky Infill	2.9	--	--	2.9	16	46	3.1	--	--	3.1	16	50
Non-Lucky /d/	2.9	18	52	2.9	24	70	3.1	18	56	3.1	24	74
TOTAL	--	34	154	--	68	272	--	34	158	--	68	280
SUPPLY	--	--	175	--	--	178	--	--	175	--	--	178
SHOPPING CENTER NET [surplus/(deficit)]	--	--	21	--	--	(94)	--	--	17	--	--	(102)
Eliminated on-street	--	--	--	--	--	(5)	--	--	--	--	--	(5)
Non-shop ctr demand /e/	--	--	(21)	--	--	(21)	--	--	(17)	--	--	(17)
TOTAL SURPLUS/ (DEFICIT)	--	--	0	--	--	(120)	--	--	0	--	--	(124)

/a/ Parking demand rate is in spaces per 1,000 square feet. See Appendix C for rate calculations.

/b/ Ksf = 1,000 square feet GLA.

/c/ Excludes 6,000 sq. ft. of basement storage / mezzanine office in existing Lucky Supermarket and 6,000 sq. ft. of basement storage in proposed Lucky Supermarket.

/d/ Includes uses in Bank of America building. Excludes Freeway Variety (vacant) from existing total; assumes reoccupancy of Freeway Variety by general retail use in future scenario.

/e/ Because the shopping center parking lot operates at capacity at peak parking demand, it is assumed that other uses in Montclair Village generate parking demand that uses the remaining capacity in the lot.

SOURCE: Institute of Transportation Engineers, Parking Generation, August 1987; E.P. Thompson Associates, Montclair Village Parking and Land Use Study, August 1984; Environmental Science Associates, March 1992

IV. Environmental Setting Impacts and Mitigation Measures

remain reserved for shop patrons. These lots would remain at or above capacity during times of peak parking demand, leaving few parking spaces available for displaced vehicles.

The Montclair Parking Garage is currently about 70 percent occupied during weekday p.m. peak hours and about 60 percent occupied during Saturday peak hours.^{8/} Montclair Parking Garage spaces are uphill from most businesses, and parking spaces are hidden from view in the parking structure. Many visitors to Montclair Village do not know about, or choose not to use, the Montclair Parking Garage. About 95 of 120 unaccommodated vehicles at weekday peak parking demand and virtually all of the 124 unaccommodated vehicles at Saturday peak parking demand could be accommodated at the Montclair Parking Garage. The unmet demand for about 25 weekday spaces would seek parking elsewhere in Montclair Village. The incidence of illegal parking and parking occupancy at the business district fringe would be expected to increase, but not to a degree that would be significant.

To the extent that employees would park in the Montclair Parking Garage, the capacity of the garage to accommodate patrons would be reduced. At peak periods, there would be a maximum of about 50 net new employees (including Lucky and non-Lucky employees) under existing-plus-project conditions, assuming reoccupancy of the existing Lucky building.

Internal Circulation of Project Parking Garage and Lot

Figures 2 and 3 show the proposed parking structure layout. The garage would be sloped gradually, with a gradient less than four percent; the existing parking lot has slopes up to nine percent. Proposed parking stalls would be larger than City of Oakland parking lot standards, so that shopping carts could be maneuvered between parked vehicles. Proposed aisle widths are in accordance with City standards. There would be through access between Mountain Boulevard and Moraga Avenue through the basement-level of the parking garage.

The proposed shopping center parking lot entrances and exits are displayed in Figures 2 and 3. The Mountain Boulevard access would be moved north of the existing driveway, requiring relocation of the existing crosswalk. No on-street parking would be lost on Mountain Boulevard as a result of the project. The Moraga Avenue access would remain as is presently; the addition of curb cuts for loading docks would result in the loss of five on-street parking spaces.

Pedestrian Movement

Montclair Village uses would continue to encourage a relatively large amount of pedestrian activity. In general, pedestrians have the right-of-way in California, so pedestrians would not be expected to be delayed by vehicles at roadway crossings. The addition of project-generated traffic to existing vehicle and pedestrian traffic would increase potential conflicts between pedestrians and vehicles, but not to a degree that would be expected to increase the number of pedestrian-vehicle accidents.

Transit

The project would not be expected to significantly increase ridership on vicinity transit routes. The addition of traffic and pedestrians resulting from the project would not be expected to impact travel times and segments along AC Transit bus routes, except at Mountain Boulevard intersections, where vehicle delays are expected to increase. As noted previously, transit routes were revised on 1991 and most routes were eliminated on Mountain Boulevard near the project.

Truck Loading

The project proposes two truck loading driveways adjacent to Moraga Avenue (see Figures 2 and 3), which would service one loading dock. One driveway would serve entering trucks; one driveway would serve exiting trucks. The existing Lucky Supermarket truck loading dock on Medau Place could remain available for new tenant(s) in the existing Lucky store building.

The existing Lucky Supermarket operations are constrained by lack of an elevated truck loading dock, the AC Transit Center, and lack of sufficient storage space. With one loading door, deliveries accepted between 6:00 a.m. and 3:00 p.m., and about four deliveries per hour, trucks queue on Medau Place. Queuing affects bus operations and vice versa.

Under the project, Lucky proposes to schedule 40-foot tractor-trailer truck deliveries during late-night hours. Traffic volumes in the study area are relatively low during late-night hours. Warehouse deliveries would not be expected to cause traffic delays. These late-night warehouse deliveries would free the loading dock for daytime deliveries, usually by smaller trucks. Lucky has designed a loading door so as to facilitate small truck deliveries in the loading dock area. It is expected that, under the

IV. Environmental Setting Impacts and Mitigation Measures

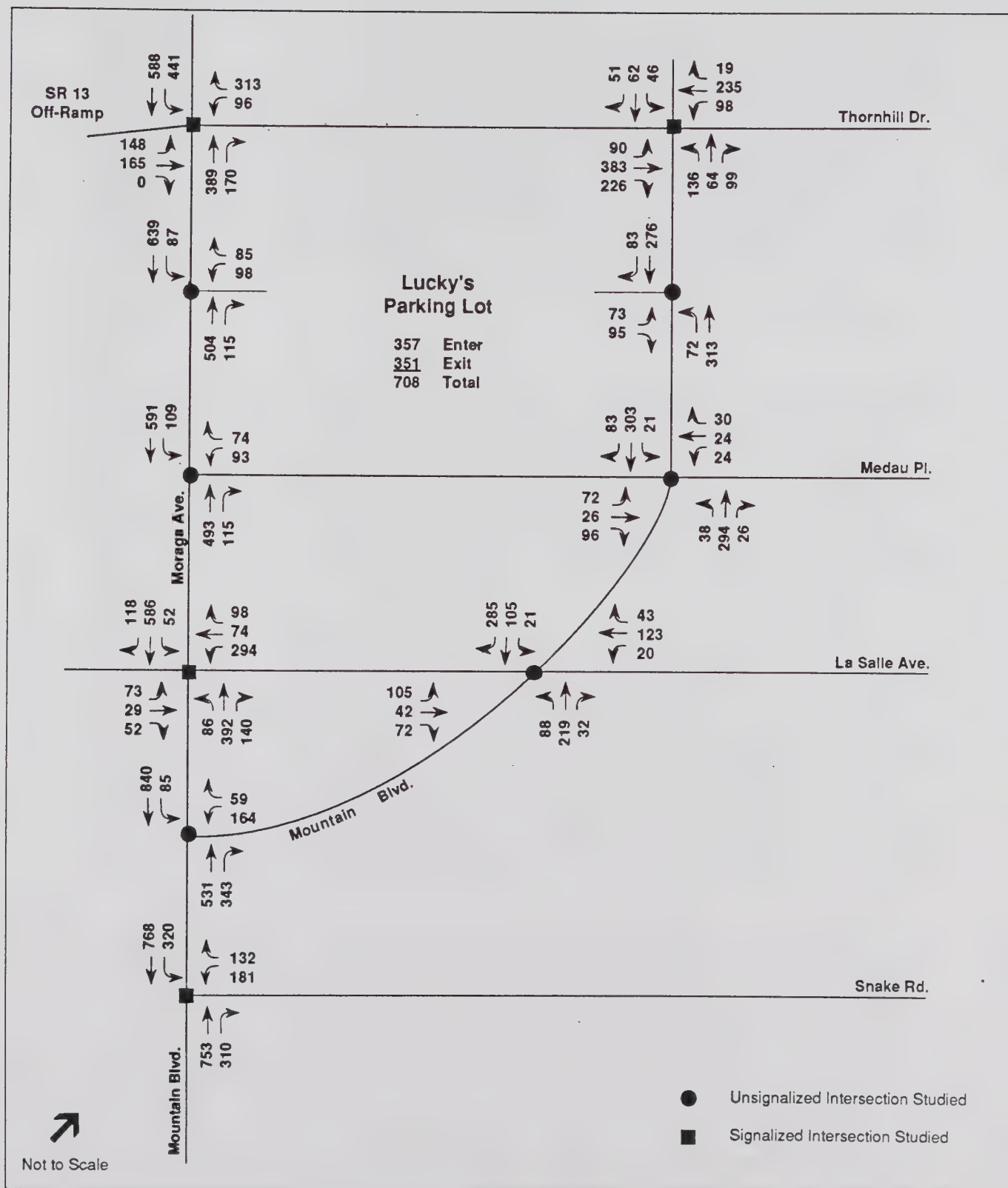
project, deliveries by trucks smaller than a tractor-trailer would increase during the daytime, from four deliveries per hour to six deliveries per hour./15/ Two or more small-truck deliveries could occur at the same time in the loading dock area. Provision of relatively easy access to the loading dock area by delivery trucks could minimize the use of the parking lot for truck and van parking and would thus maximize parking space for customer vehicles in the parking structure and lot. It would also minimize incidences of double parking by delivery trucks on Moraga Avenue.

Cumulative Development Effects

Future 1994 traffic volumes in Montclair Village are expected to increase by less than two percent as a result of population and employment growth in the area./16/ Based on Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) projections, future traffic volumes were estimated for project intersections. Weekday p.m. and Saturday peak-hour traffic volumes are shown on Figures 16 and 17, respectively.

Table 12 shows existing plus project and cumulative LOS for signalized intersections. All signalized intersections in the project study area would remain at existing plus project LOS. Table 13 shows existing plus project and cumulative LOS for unsignalized intersections. The addition of cumulative traffic would worsen operation of traffic turning from Moraga Avenue into the shopping center from LOS C to LOS D during the Saturday peak hour. Shopping center traffic turning onto Moraga Avenue would worsen from LOS E to LOS F during weekday p.m. peak hours.

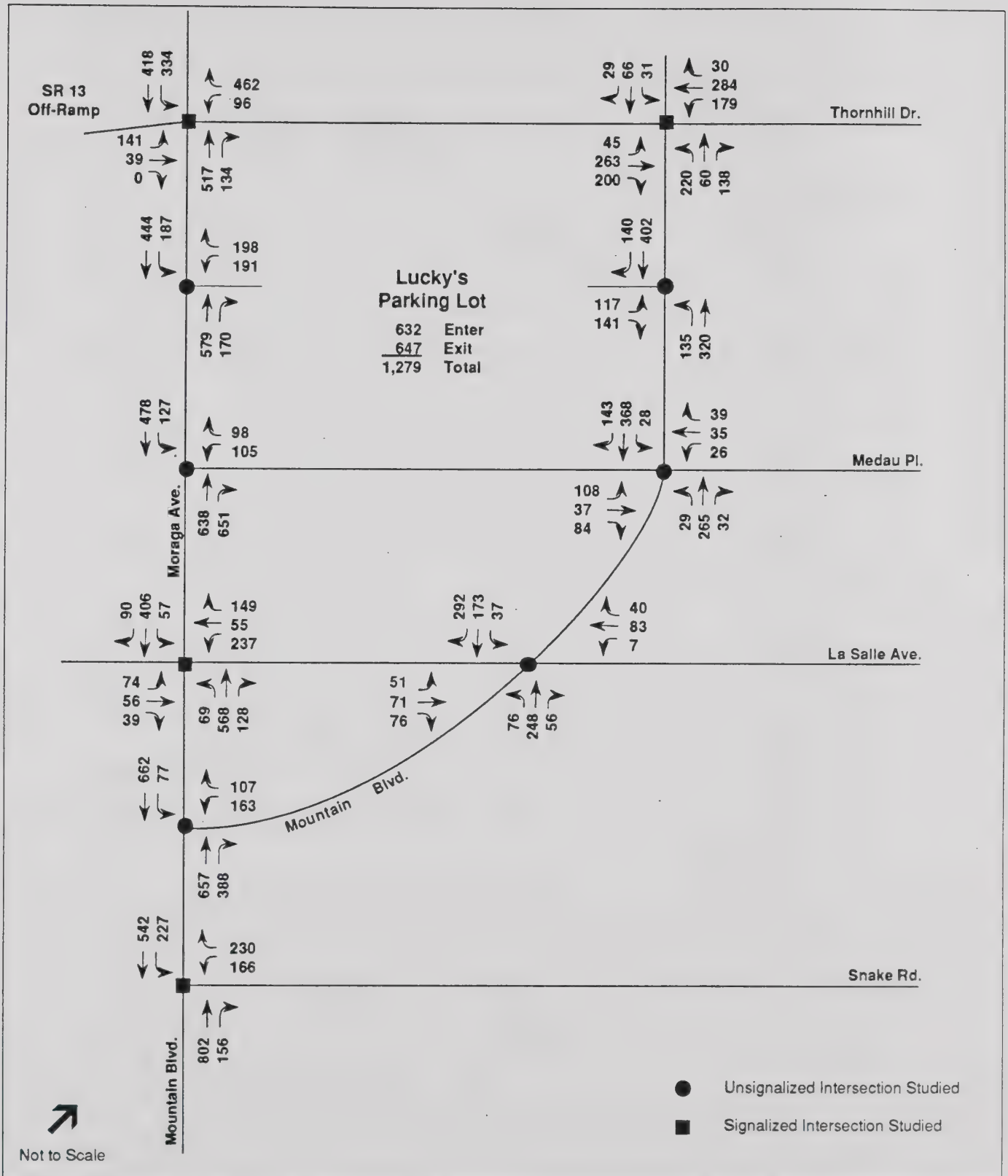
Note: Mitigation measures follow Table 13.



SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 16
Weekday Peak Hour
Cumulative Traffic
(One Hour Between 4:00 P.M. and
6:00 P.M., includes Project Trips)



SOURCE: Environmental Science Associates, Inc., August 1991.

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Figure 17
 Saturday Peak Hour Cumulative Traffic
 (One Hour Between 12:00 Noon and
 2:00 P.M., includes Project Trips)

IV. Environmental Setting Impacts and Mitigation Measures

TABLE 12: CUMULATIVE LEVELS OF SERVICE (LOS) FOR PEAK HOUR
CONDITIONS AT SIGNALIZED INTERSECTIONS/a/

Signalized <u>Intersection</u>	Weekday P.M.				Saturday			
	Existing Plus Project		Cumulative		Existing Plus Project		Cumulative	
	<u>S/V/b/</u>	<u>LOS</u>	<u>S/V/b/</u>	<u>LOS</u>	<u>S/V/b/</u>	<u>LOS</u>	<u>S/V/b/</u>	<u>LOS</u>
Moraga Ave. / Thornhill Dr.	45.7	E	48.3	E	/c/	F	/c/	F
Moraga Ave. / LaSalle Ave.	20.0	C	21.5	C	19.1	C	20.6	C
Mountain Blvd. / Thornhill Dr.	31.0	D	35.2	D	/c/	F	/c/	F
Mountain Blvd. / Snake Dr.	17.7	C	18.3	C	17.6	C	18.1	C

/a/ The analysis of signalized intersections yields a LOS for the intersection as a whole, based on the average vehicle delay, in seconds per vehicle (S/V).

/b/ S/V = average delay expressed as seconds per vehicle; used for signalized intersection only.

/c/ Delay is not meaningful when volume to capacity is greater than 1.2 and is therefore not provided. One or more movements operates very unacceptably, causing poor intersection operations overall.

SOURCE: Environmental Science Associates, Inc., August 1991; revised March 1992

TABLE 13: CUMULATIVE LEVELS OF SERVICE (LOS) FOR PEAK HOUR CONDITIONS AT UNSIGNALIZED INTERSECTIONS /a/

<u>Intersection</u>	<u>Weekday P.M.</u>		<u>Saturday</u>	
	<u>Existing Plus Project</u>	<u>Cumulative</u>	<u>Existing Plus Project</u>	<u>Cumulative</u>
Moraga Ave. / Medau Pl. Medau Pl. Approach Moraga Ave. Left Turns	F B/b/	F B/b/	F D/b/	F F/b/
Moraga Ave. / shopping ctr driveway Shopping center Approach Moraga Ave. Left Turns	F A	F A	F C	F D
Mountain Blvd. / shopping ctr driveway Shopping center Approach Mountain Blvd. Left Turns	D/b/ A/b/	D/b/ A/b/	F/b/ B/b/	F/b/ B/b/
Mountain Blvd. / Medau Pl. Medau Pl. Approach Mountain Blvd. Left Turns	D/b/ A/b/	D/b/ A/b/	E/b/ A/b/	E/b/ A/b/
Mountain Blvd. / LaSalle Ave. Delay (seconds/vehicles)/d/	B /b,c/ 8.2	B /b,c/ 8.5	B /b,c/ 7.8	B /b,c/ 8.1
Mountain Blvd. / Moraga Ave. Mountain Westbound Approach Moraga Ave. Left Turns	F C	F C	F C	F C

- /a/ The analysis of unsignalized intersections, where a minor street is controlled by stop signs and the major street is uncontrolled, yields a LOS for the minor street turn movements and for the left-turn movement from the major street, based on the degree of delay experienced by vehicles waiting for a gap in the conflicting traffic streams to cross or turn. LOS shown represents the worst service level for minor street single-lane approaches and for major street left turns.
- /b/ LOS calculation does not account for pedestrian activity at this intersection. Pedestrian movements were observed to delay vehicular movements, resulting in an LOS worse than depicted, by about one grade.
- /c/ LOS determination for a four-way stop-controlled intersection was made based on the methodology in Transportation Research Board, *Transportation Research Circular 373*, July 1991.
- /d/ Delay is calculated only for four-way stop-controlled intersections.

SOURCE: Environmental Science Associates, Inc., August 1991; revised March 1992

MITIGATION MEASURES

Identified in this Report:

Construction

- The City should require the construction site manager to obtain off-site parking and to shuttle construction workers to the construction site during the entire construction period. Off-site accommodation of construction worker vehicles could be accommodated, for example, at the Montclair Parking Garage, Zion Lutheran Church or Corpus Christi Catholic Church on Park Boulevard, the City of Oakland Utility Lot or Shepherd Canyon Park lot on Shepherd Canyon Road, or the Church of the Latter Day Saints Oakland Temple parking Lots on Joaquin Miller Road at SR 13. The construction manager should be required to obtain, monitor, and report on off-site parking through the development agreement. Construction worker parking outside of Montclair Village would avoid further aggravation of overloaded parking conditions in Montclair Village. This requirement for off-site parking could be made binding through language placed in the development agreement between Lucky and the City of Oakland. The project sponsor should also be required to monitor and report to the City on the use of off-site parking.
- The construction manager should restrict construction truck traffic to between 9:00 a.m. and 3:30 p.m. to minimize peak-period traffic contacts, and to accommodate AC Transit commute-hour operations.
- The City should enter into a development agreement with the project sponsor to require the sponsor to contribute to additional street maintenance and repair costs for local streets attributable to construction truck traffic.
- The project sponsor and other shopping center businesses should enter into a validation agreement with the Montclair Parking Garage for free use of Garage parking spaces by shopping center patrons during project construction. As part of such an agreement, the project sponsor would advertise this parking option to patrons, and provide incentives to patrons such as delivery of groceries to vehicles parked in the Montclair Parking Garage or vehicle pickup and attendant loading of groceries at the existing shopping center.

Intersection Levels of Service (see Tables 14 and 15, pgs. 99-100)

- The City should enter into a development agreement with the project sponsor to require the sponsor to contribute an equitable amount set by the City to make the following improvements to intersection traffic operations:
 - Improve the Moraga Avenue / Thornhill Drive intersection. Reassigning traffic signal phasing to allow permissive southbound left turns (i.e., coincidental with through movements on Moraga Avenue), allow about five seconds more green time for southbound Moraga Avenue left turns onto Thornhill Drive on weekday p.m. peak hours, and allow about five seconds more green time for northbound right turns from Moraga Avenue onto Thornhill Drive would improve weekday p.m. peak hour operations to LOS C and Saturday peak hour operations to LOS D. Allowing left-turns from Moraga Avenue onto Thornhill Drive during the through movement phase would increase potential conflicts between these movements and accidents could increase.

Construct a westbound left-turn lane on Thornhill Drive at the Mountain Boulevard / Thornhill Drive intersection. Install signal actuation and phasing to protect left turns. These additions would improve Saturday peak hour operations to LOS C. Weekday operations would remain at LOS D, which is an acceptable level of service, although delays would increase marginally. This improvement would require the City to purchase land for right-of-way, construct roadway sidewalks to separate pedestrians from traffic, prohibit on-street parking near the intersection, and eliminate or move the westbound bus stop at the near side of the westbound approach to the Mountain Boulevard / Thornhill Drive intersection. Coordination with AC Transit would be required.

Signalize the Moraga Avenue / Medau Place intersection and provide signal coordination between traffic signals along Moraga Avenue to streamline traffic flow. Signalization of the Moraga Avenue / Medau Place intersection would improve overall intersection operations to LOS B. Drivers turning onto Moraga Avenue from the shopping center driveway, who would otherwise experience LOS F during the weekday p.m. and Saturday peak hours, would be provided gaps to allow left turns onto Moraga Avenue from the shopping center, thus improving LOS at the Moraga Avenue / shopping center driveway intersection. Although there is not a large enough volume of traffic to clearly warrant a traffic signal at the Moraga Avenue / Medau Place intersection, placement of a traffic signal would smooth traffic flow to an acceptable service level at that intersection.

Prohibit left turns from the shopping center onto northbound Mountain Boulevard on Saturdays from 11:00 a.m. to 4:00 p.m. on a two-month trial basis. This prohibition would decrease queuing in the shopping center lot, and would decrease potential conflicts that would occur if drivers felt pressure to accept smaller gaps in traffic in their attempt to make a left turn. Vehicles would make a series of right turns, through the Mountain Boulevard / Medau Place intersection to Moraga Avenue. These drivers would aggravate the relatively poor LOS at the westbound approach of the Moraga Avenue / Medau Place intersection. Signalization of the Moraga Avenue / Medau Place intersection would allow traffic to flow from the Mountain Boulevard / shopping center driveway onto northbound Moraga Avenue. Drivers would then approach the Moraga Avenue / Thornhill Drive intersection. Enforcement of the turn prohibition would be relatively difficult. At the end of the two-month period, the City could assess the effectiveness of the Saturday left-turn prohibition of the Mountain Boulevard / Moraga Avenue intersection. Project traffic would contribute to traffic volumes satisfying the peak-hour traffic signal warrant. Signal control at the Mountain Boulevard / Moraga Avenue intersection would improve operations to LOS B an acceptable level of service.

Install four-way stop controls at the Mountain Boulevard / Medau Place intersection. This would improve Saturday peak-hour operations for the entire intersection to LOS C. However, drivers on Mountain Boulevard would experience greater delays than at present.

Signalize the intersection of Moraga Avenue / Mountain Boulevard. Signalization of this intersection, which currently meets Caltrans Signal Warrant No. 11, would improve overall intersection operations to LOS B.

IV. Environmental Setting Impacts and Mitigation Measures

Coordinate Moraga Avenue / Medau Place, Moraga Avenue / LaSalle Avenue, and Moraga Avenue / Mountain Boulevard intersections traffic signals. Coordination between these closely spaced signals would allow an efficient flow of traffic. Without signal coordination between these intersections, vehicle delays would increase and operations of the system would degrade. Interconnection between these intersection traffic signals would also minimize traffic delay and idling, and minimize emissions from stopped vehicles.

Parking

- The project sponsor should increase the number of proposed handicapped parking spaces from one per parking level to two per level to comply with State and federal standards.
- The project sponsor and other business owners in the shopping center could enter into a validation agreement with the Montclair Parking Garage for free use of Garage parking spaces by their patrons so that most of the shopping center peak parking demand could be accommodated either on-site or at the Montclair Parking Garage. They could advertise this parking option to patrons.
- The City and shopping center business owners should enter into an agreement with the Montclair Parking Garage to obtain necessary financing to improve access to the Garage through construction of a pedestrian walkway and elevator, making use of the garage more convenient for Montclair Village patrons.
- The sponsor should require Lucky employees to park in the Montclair Parking Garage.
- The project sponsor should reduce parking demand through implementation of transportation demand management strategies, which could include:
 - Provision of home delivery of groceries, which would allow persons to arrive at the proposed Lucky Supermarket by public transit.
 - Provision of shop-at-home services so that Lucky Supermarket customers could avoid trips to Montclair Village.
 - Implementation of an alternative transportation incentives program for project employees. Elements of this program could include monetary incentives to those employees walking, biking, carpooling, or using public transportation (such as Commuter Checks available through RIDES for Bay Area Commuters, Inc.) more than 70 percent of their work-travel time.
- The City should request that shopping center business owners require their employees to park in the Montclair Parking Garage in order to make more on street-parking available to their customers.
- The City should request that other business owners in the immediate vicinity of the Montclair Shopping Center limit their deliveries to non-peak hours.

Parking reduction strategies could also reduce traffic and improve intersection LOS in the study area.

IV. Environmental Setting Impacts and Mitigation Measures

TABLE 14: EXISTING PLUS PROJECT LEVELS OF SERVICE (LOS) FOR PEAK HOUR CONDITIONS AT STUDY INTERSECTIONS WITH IDENTIFIED MITIGATION MEASURES

<u>Signalized Intersection</u>	<u>Weekday P.M.</u>				<u>Saturday</u>			
	<u>Existing + Project</u>		<u>Mitigated</u>		<u>Existing + Project</u>		<u>Mitigated</u>	
	<u>S/V/a/</u>	<u>LOS</u>	<u>S/V/a/</u>	<u>LOS</u>	<u>S/V/a/</u>	<u>LOS</u>	<u>S/V/a/</u>	<u>LOS</u>
Moraga Ave. / Thornhill Dr.	45.7	E	22.4	C	/b/	F	27.1	D
Mountain Blvd. / Thornhill Dr.	31.0	D	32.8	D	/b/	F	19.8	C
<u>Unsignalized Intersection</u>								
Mountain Blvd. / Medau Pl. Medau Pl. Approach Mountain Blvd. Left Turns		D A	6.6	B		E A	10.8	C
Moraga Ave. / Medau Pl. Medau Pl. Approach Moraga Ave. Left Turns		F B	6.3	B		F D	9.1	B
Moraga Ave. / shopping ctr drive Shopping center Approach/c/ Moraga Ave. Left Turns		F A		/c/		F C		/c/
Mountain Blvd. / shopping ctr drive Shopping center Approach Mountain Blvd. Left Turns		D A		D A		F B		A B
Mountain Blvd. / Moraga Ave. Mountain Blvd. WB Approach /e/ Moraga Ave. Left Turns		F C	8.3	B		F C	12.3	B

/a/ S/V - delay expressed as seconds per vehicle; used for signalized and four-way stop-controlled intersections only.

/b/ Delay is not meaningful when volume to capacity is greater than 1.2 and is therefore not provided. One or more movement operates unacceptably causing poor intersection operations overall.

/c/ Improvement to this intersection is through improvements to the Moraga Avenue / Medau Place intersection.

/e/ WB = Westbound

SOURCE: Environmental Science Associates, Inc., August 1991; revised March 1992

TABLE 15: CUMULATIVE LEVELS OF SERVICE (LOS) FOR PEAK HOUR CONDITIONS AT STUDY INTERSECTIONS WITH IDENTIFIED MITIGATION MEASURES /a/

<u>Signalized Intersection</u>	<u>Weekday P.M.</u>				<u>Saturday</u>			
	<u>Cumulative</u>		<u>Mitigated</u>		<u>Cumulative</u>		<u>Mitigated</u>	
	<u>S/V/b/</u>	<u>LOS</u>	<u>S/V/b/</u>	<u>LOS</u>	<u>S/V/b/</u>	<u>LOS</u>	<u>S/V/b/</u>	<u>LOS</u>
Moraga Ave./ Thornhill Dr.	48.3	E	23.0	C	/b/	F	37.0	D
Mountain Blvd./ Thornhill Dr.	35.2	D	36.5	D	/c/	F	24.2	C
<u>Unsignalized Intersection</u>								
Mountain Blvd. / Medau Pl. Medau Pl. Approach Mountain Blvd. Left Turns			6.9	B			11.2	C
		D				E		
		A				A		
Moraga Ave./Medau Pl. Medau Pl. Approach Moraga Ave. Left Turns			6.4	B			9.3	B
		F				F		
		B				F		D
Moraga Ave./ shopping ctr drive Shopping Center Approach Moraga Ave. Left Turns		F		/d/		F		/d/
		A				D		
Mountain Blvd./ shopping ctr drive Shopping Center Approach Mountain Blvd. Left Turns		D		D		F		A
		A		A		B		B
Mountain Blvd./ Moraga Ave. Mountain Blvd. WB Approach /e/ Moraga Ave. Left Turns			8.6	B			12.7	B
		F				F		
		C				C		

- /a/ Cumulative conditions include existing traffic, growth factor of 0.67 percent per year over two years, and project traffic.
- /b/ S/V-delay expressed as seconds per vehicle; used for signalized and four-way stop-controlled intersections only.
- /c/ Delay is not meaningful when volume to capacity is greater than 1.2 and is therefore not provided. One or more movements operates unacceptably causing poor intersection operations overall.
- /d/ Improvement to this intersection is through improvements to the Moraga Avenue / Medau Place intersection.
- /e/ WB = Westbound

SOURCE: Environmental Science Associates, Inc., August 1991; revised March 1992

IV. Environmental Setting Impacts and Mitigation Measures

NOTES - Traffic, Parking and Circulation

- /1/ Caltrans, *1990 Traffic Volumes on California State Highways*, 1991, for State highways. City of Oakland, Richard Sobrero, Traffic Engineer, August 16, 1991 for ADT on City roadways.
- /2/ Intersection turning movement counts were conducted from 12:00 noon to 2:00 p.m., Saturday, December 8, 1990, and from 4:00 p.m. to 6:00 p.m., Wednesday, December 12, 1990. Pedestrian counts were conducted from 12:00 noon to 2:00 p.m., Saturday, December 8, 1990, and from 4:00 p.m. to 6:00 p.m., Tuesday, December 11, 1990, by AccuData Traffic Services for Environmental Science Associates, Inc.
- /3/ Transportation Research Board, *Highway Capacity Manual*, Special Report 209, 1985. Four four-way stop-controlled intersections, the methodology used was as specified in Transportation Research Board, *Transportation Research Circular 373*, July 1991.
- /4/ Caltrans, *Traffic Manual*, Chapter 9, 1991.
- /5/ E.P. Thomson Associates, *Montclair Village Parking and Land Use Study*, August 1984.
- /6/ Liz Silverman, Director, Montclair Business Association, telephone conversation, January 7, 1991. This conversation indicated that the Montclair Parking Garage has 320 parking spaces. In 1988, a third deck (approximately 100 parking spaces) was constructed. Another conversation on January 14, 1991 indicated Tuesday morning, Thursday and Friday are high occupancy days. Tuesday occupancy is driven by higher local realtor attendance at their offices. Thursday and Friday are a mix of office and shopping parkers. Since the Garage expansion, it has never been 100 percent occupied.
- /7/ City of Oakland Traffic Engineering and Parking Division. On-street surveys were conducted on Thursday, July 27, 1989; Monday, July 14, 1986; and Friday, July 18, 1986. Montclair Parking Garage surveys were conducted on Saturday, April 1, 1989, and Monday, March 31, 1986.
- /8/ Montclair Parking Garage survey occurred at 4:00 p.m. and 5:30 p.m. on Tuesday, December 11, 1990. During this period, an average of 96 parking stalls were vacant, respectively (70 percent occupied). Shops were open during this period for Christmas shoppers. A Friday Montclair Parking Garage survey was conducted from 12:30 to 2:00 p.m. on Friday, January 18, 1991. During this period, an average of 111 parking spaces were vacant (65 percent occupancy). A Saturday Montclair Parking Garage survey was conducted from 12:00 noon to 1:00 p.m. on August 3, 1991. During this period, an average of 125 parking spaces were vacant (60 percent occupancy).
- /9/ Surveys of drivers exiting the shopping center parking lot were conducted on Monday, April 14, 1986, and Tuesday, April 15, 1986. Monday and Tuesday are considered relatively light parking demand days (based on Reference 5 above). Another survey was conducted by the City of Oakland during 1989. Refer to Note 7 above.
- /10/ AC Transit, *Basic Route Map*, April 1991.

IV. Environmental Setting Impacts and Mitigation Measures

- /11/ Jeff Guth, Design and Construction Engineer, Lucky Stores, Inc. Construction information was provided via telephone conversation and facsimile transmittal during the week of August 12-15, 1991.
- /12/ City of Oakland, *1990 Oakland Zoning Regulations*, Off-Street Parking Requirements, Section 7513 - Commercial Activities.
- /13/ Barry Atwood, Access Specialist, Oakland Office of Community Development, telephone conversation, January 29, 1991. (Requirement is from *California Administrative Code*, Title 24, Parts 2, 3, and 5, Section 7102(a) through (g).)
- /14/ Institute of Transportation Engineers, *Parking Generation*, August 1987. Category 820-828, Shopping Center. Driver surveys were conducted on Tuesday, December 11, 1990 and Saturday, December 8, 1990. Survey questions asked drivers the number of businesses visited while parked in the shopping center, if the shopping center was one of the businesses visited, and where they came from and where they were going upon leaving the shopping center.
- /15/ Paul Farro, Manager, Montclair Lucky Store, telephone conversation regarding deliveries and loading at the existing and proposed Lucky store, January 17, 1991.
- /16/ Ron West, Transportation Planner, Metropolitan Transportation Commission, telephone conversation, January 15, 1991. Future travel demand forecasts are based on 1987 to 1997 population and employment increases of 0.67 percent per year for two years, when the proposed Lucky project would be completed.

C. GEOLOGY AND SEISMICITY

SETTING/1/

Geology and Soils

The study area is located in the central region of the Coast Ranges Geomorphic Province. The Coast Range topography is characterized by rugged, subparallel, northwest-trending mountain ranges and intervening valleys. The site is located within the Oakland-Berkeley hills, which trend northwest, parallel to the Hayward fault.

The Oakland hills in the site vicinity are generally underlain by sedimentary and metamorphic rocks that have been intruded by serpentine and gabbro. Within the site vicinity, the Hayward fault separates distinct rock units. The area west of the fault is underlain by rocks of the Franciscan Complex consisting primarily of sandstone and shale with intrusions of greenstone, chert, serpentine, and metamorphic rocks. A relatively thin band of metamorphic rock parallels the Hayward fault along State Route 13. Rocks to the east of the fault consist of Great Valley Sequence sedimentary rocks. As mapped by Radbruch, these rocks consist primarily of sandstone and shale of the Redwood Canyon Formation, Oakland Conglomerate, Joaquin Miller Formation, and the Shepherd Creek Formation./2/ All of these rock units have been strongly folded and internally faulted.

The project site is located within a wide topographic trough underlain by recent colluvial and alluvial deposits. The geomorphic form of the trough results from past displacement along the Hayward fault zone and has been accentuated by the effects of erosion. Presently, the site area is developed as a retail shopping center which includes a supermarket south of the site, and a three-story concrete block building northeast of the site. The site itself is developed as a paved parking area that generally slopes to the west with a gradient of between four percent and seven percent.

The project site is underlain by colluvium and alluvium. The material generally consists of unconsolidated sand, silt, clay, and gravels that may be as much as 75 feet thick./2/ The materials are present as valley-fill deposits along a topographic low created along a trace of the Hayward fault.

IV. Environmental Setting Impacts and Mitigation Measures

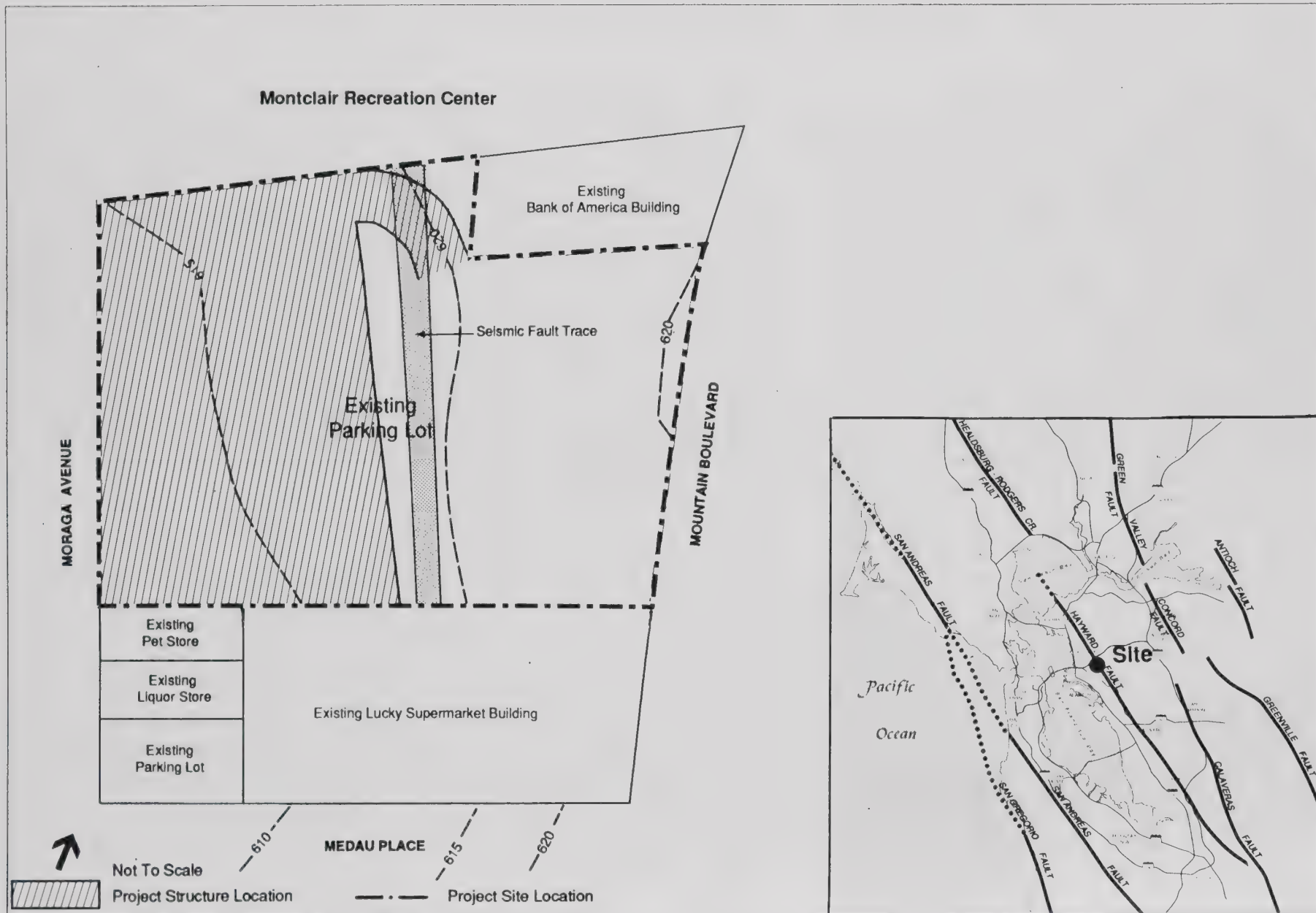
The near surface materials encountered in the geotechnical investigation by Kaldveer Associates generally consist of firm to very stiff silty clays and clayey silts which extend to depths of about 3 to 22 feet. Silty and sandy fill materials were also encountered in one boring to the maximum depth explored of 5-1/2 feet. The more clayey native soils have a medium plasticity and moderate expansion potential. Underlying near-surface soils, Kaldveer Associates encountered stiff to hard sandy silts and silty clays which extended to the maximum depth explored of about 30 feet. In three borings, a layer of medium dense silty sand between depths of 9 to 18 feet was encountered.

Free ground water was encountered in all the borings at depths of about 8 to 15 feet at the time of drilling. One of the borings was left open for a period of three days, after which ground water was measured at a depth of about seven feet. It should be noted that the boring may not have been left open for a sufficient period of time to establish equilibrium ground water conditions. In addition, fluctuations in the ground water level could occur due to change in seasons, variations in rainfall, and other factors. Based on experience, these fluctuations can be as much as two feet. For conservative design purposes, Kaldveer Associates recommends that the depth to ground water be taken as five feet (elevation 612 feet).

Seismicity

The project site is located in the San Francisco Bay Area, one of the most seismically active regions in the United States. Significant earthquakes have occurred in the San Francisco Bay Area and are believed to be associated with crustal movements along a system of subparallel fault zones that generally trend in a northwesterly direction. The principal strand of the Hayward Fault passes just west of the site, in the vicinity of Moraga Avenue. A subsidiary trace of the Hayward fault passes through the central portion of the site (see Figure 18). The site is located approximately 17 miles east and 12 miles northwest, respectively, of the active San Andreas and Calaveras faults (see Figure 18).

Since the early 1800's, major earthquakes have been recorded along the San Andreas and Calaveras faults. In 1861, an earthquake having a Richter magnitude of approximately 6.5 was reported on the Calaveras fault. The presumed epicenter



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SOURCE: Kaldveer Associates; City of Oakland; Environmental Science Associates, Inc., August 1991.

Figure 18
Regional Fault Locations and
Project Site Fault Trace Location

of this earthquake was located approximately 25 miles southeast of the site. The San Francisco Earthquake of 1906 had an estimated Richter magnitude of 8.3 and the epicenter of this earthquake was located approximately 19 miles northwest of the site on the San Andreas Fault. In 1957, a magnitude 5.3 earthquake was again recorded on the San Andreas fault, the epicenter of which was approximately 35 miles southwest of the site. In August of 1979, an earthquake with a magnitude of 5.9 was recorded on the Calaveras fault, the epicenter of which was approximately 70 miles southeast of the site. The epicenter of the April 1984 earthquake on the Calaveras Fault in the Morgan Hill area was located about 54 miles southeast of the site. This earthquake registered a Richter magnitude of 6.2. Another large earthquake on the Calaveras fault occurred in March of 1986. The earthquake registered a Richter magnitude of 5.3 and the epicenter was located about 31 miles southeast of the site. The most recent large earthquake on the San Andreas fault (October 1989) measured 7.1 on the Richter scale and was located approximately 54 miles south of the site.

Major historic earthquakes occurred along the Hayward fault in 1836 and 1868. Surface rupture and fissuring was reported for approximately 45 to 50 miles, from San Pablo to Mission San Jose, during the earthquake of 1836, and for 20 miles from San Leandro to Warm Springs, during the 1868 quake.^{/3/}. Three feet of horizontal and one foot of vertical displacement was reported following the 1868 earthquake. The Richter magnitude for these earthquakes has been estimated to be approximately 7.0.

The site lies within the boundaries of the Alquist-Priolo Special Studies Zone associated with the Hayward fault. The 1982 Special Studies Zones Map published by the California Division of Mines and Geology (CDMG) locates the principal strand of the Hayward fault beneath Moraga Avenue, west of the project site. In addition, a subsidiary strand of the fault is mapped beneath the central portion of the site, identified primarily on the basis of distorted curb lines along Medau Place. Based on the results of Kaldveer Associates' revised fault rupture hazard investigation, a strand of the Hayward fault was found to cross the existing parking area approximately 20 feet east of the proposed store location. The approximate location of the fault trace is shown on Figure 18. It should be noted that active creep measured along this segment of the fault has been measured at 3.5 mm/yr (about 1/7th inch per year). The fault trace transects the location of the existing Lucky Supermarket.

Kaldveer Associates performed a supplemental fault rupture hazard study to investigate the possible presence of the Hayward fault beneath Moraga Avenue,

IV. Environmental Setting Impacts and Mitigation Measures

immediately west of the project site. Additional fault trenching was performed for a distance of approximately 37 feet to the west of the proposed building line, beneath the adjacent sidewalk and extending to the approximate center line of Moraga Road. No evidence of faulting was observed in that trench. Therefore, there is no evidence to suggest that there is a fault within 37 feet of the proposed western building line.

Fault creep is occurring along other segments of the Hayward fault between San Pablo and Fremont./4/ Reported creep rates vary considerably. Creep on the Hayward fault since the 1920's is reported to be 8 to 11 mm/yr in Fremont and 5 to 6 mm/yr in Hayward. Since 1968, the San Pablo section of the Hayward Fault has shown a creep rate of 5 mm/yr and the Berkeley segment has measured a creep rate of 6 to 8 mm/yr at the BART tunnel. More recent analysis indicates that where the fault can be accurately located, creep rates approach 8 to 10 mm/yr throughout the Hayward Fault system.

In the event of an earthquake, intensities will vary throughout the Bay Area, depending upon the magnitude of the earthquake, the distance of the site from the causative fault, and the type of materials underlying the site. According to the latest United States Geological Survey (USGS) estimate, there is a 67% probability that a 7.0 or greater magnitude earthquake will occur on one of the faults in the Bay Area within the next 30 years./5/ The USGS estimates a 28% probability for a magnitude 7.0 earthquake on the northern East Bay segment of the Hayward Fault within the next 30 years.

Because the existing Lucky Supermarket straddles a trace of the Hayward fault, customers and employees could be seriously or fatally injured should that trace of the fault rupture during a major earthquake. Fault rupture hazards would be of relatively minor concern in the existing surface parking lot as there are no structures that would be affected. It is, however, possible that persons in the parking lot at such time could be seriously or fatally injured by falling light standards or if caught between moving vehicles.

IMPACTS

Geology and Soils

Excavation would be required to construct the basement-level parking and delivery area of the proposed new store. The maximum cut required would be approximately

six feet deep and would occur along the eastern side of the proposed building. About 2,300 cubic yards of material would be removed from the excavation area. Most would be hauled off-site; however, some material might be reused, if suitable, as fill for the vehicle access ramp to the roof parking level.

Fill would be required to bring the finished grade of the remaining surface parking lot to the level of the new store's main floor. Up to 10 feet of fill would be required adjacent to the eastern side of the building. Up to 6,600 cubic yards of imported earthen fill would be required.

In order to prepare the site for grading and earth work, all obstructions including designated utilities, designated fences, designated light standards and their associated foundations, parking lot attendant booths, asphaltic concrete and baserock, rubble and debris would have to be cleared from the site. If these materials were not stored or disposed of properly, they could create a safety hazard and/or an aesthetic nuisance.

Excavations for the basement would be up to six feet deep. Given the depth of excavation, it is likely that groundwater would be encountered. If the basement is constructed without proper dewatering, the presence of water could, over time, threaten the structural integrity of the basement and above structures. During construction, standing water could create an on-site safety hazard.

As part of the basement construction, vertical excavations on the order of six feet would be anticipated. If the excavation walls were not properly braced or shored, failure could occur. Failure may result from forces due to existing soil and/or groundwater pressures, the weight of adjacent structures, and/or surcharging from heavy construction vehicles (i.e. concrete trucks). This may create a potential threat to construction personnel, adjacent building occupants, existing structures, and the planned development. During excavation and shoring, other temporary slopes may be required. If these were not constructed properly, failure could occur for similar reasons and could result in the same types of damage.

After excavations and subgrade preparations were completed, filling and compaction would be necessary. The use of improper fill or inadequate compaction might not suitably stabilize the subgrade. This could result in structural insufficiency, and possibly a threat to human safety.

IV. Environmental Setting Impacts and Mitigation Measures

Failure to construct the Lucky Supermarket or related facilities in a manner that meets safety standards such as those specified by the City of Oakland, County of Alameda, or the Uniform Building Code (UBC) could result in unsafe conditions. Areas of particular concern are: surface gradients and drainage; foundation supports such as spread footings, basement level slabs, and below-grade garage walls; proper pavement design; and safe construction practices. Construction practices that adhere to local and State laws would mitigate geology and soils concerns.

Seismicity

The project site is located in a region that is seismically active; therefore, the project would be expected to be subjected to at least one moderate to major earthquake during its lifetime. Due to the numerous potentially active faults in the area, it is not possible to forecast the magnitude of, or fault system associated with, seismic events that may affect the project area. However, given recent USGS studies, it is believed that the fault system with the highest probability of a major earthquake that would affect the project is the Hayward Fault./5/

Earthquake-related casualties and damage can be caused by falling objects, collapsed structures, fire, and miscellaneous injuries (such as heart attacks). During the October 17, 1989, earthquake, most of the casualties and damage resulted from ground shaking which caused some freeway structures to collapse and masonry structures (including brick chimneys) to fail. Wood-frame buildings were jolted off their foundations in the areas near the epicenter. Ground settlement occurred in places further from the epicenter (for example at the Marina District in San Francisco). Fires resulted from ruptured utility lines. The type of damage caused by that earthquake is typical of moderate-sized earthquakes.

The Alquist-Priolo Special Studies Zone Act of 1972 requires that no structures for human occupancy be permitted on an active fault trace. Unless proven otherwise, the area within 50 feet of an active fault trace is considered to be underlain by active branches of the fault. In order to prove otherwise, special geologic studies must be conducted to discern the nature of faulting within 50 feet of the active fault trace.

IV. Environmental Setting Impacts and Mitigation Measures

As stated previously, the site is within an Alquist-Priolo Special Studies Zone associated with the Hayward Fault. The 1982 CDMG Special Studies Zone Map locates the principal strand of the Hayward fault to the west of the site, beneath Moraga Avenue, and a subsidiary strand of the fault through the central portion of the project site. Fault rupture hazard investigations prepared for the proposed project delineated the fault traces based on review of previous studies, interpretation of aerial photographs, site reconnaissance, and fault trenching.^{/6/} The studies confirmed that the main strand of the Hayward fault passes at least 37 feet to the west of the site, beneath Moraga Avenue or State Route 13, and that an active strand of the Hayward fault crosses the central portion of the project site. Evidence of fault movement on the site is confined to the well defined shear zone shown in Figure 18. The fault evaluation reports recommend that structures for human occupancy be set back a minimum of 20 feet from the identified shear zone. Accordingly, the plan for the new Lucky Supermarket provides a minimum 20-foot setback from the identified shear zone.

In a major earthquake the entire project site could experience violent to severe ground shaking of VII or VIII on the Modified Mercalli Intensity Scale.^{/4,7/} This type of groundshaking is characterized by peak ground accelerations of 0.1 to 0.3g.^{/8/} Groundshaking of this magnitude could dislodge, overturn, and/or eject items on display within the proposed new Lucky Supermarket and result in property damage and injuries. Because the new store would be constructed in compliance with the latest building code(s), collapse of the structure would be unlikely.

The project would include a parking access ramp to the roof that would cross the potential fault rupture zone. Should rupture occur along this segment of the fault, it would damage the ramp. It is possible that persons on, below, or adjacent to the ramp at such time might be seriously or fatally injured. If the connection between the ramp and the inhabited structure were not properly designed (i.e., the ramp should not be rigidly attached to the store), fault movement, whether by slow creep or sudden rupture, could lead to building damage or risk to structure occupants.^{/7/} Due to the violent or severe ground shaking that would occur at the site in the event of a large earthquake on the Hayward fault, there is the potential for ground rupture that is not directly related to surface expression of fault rupture to occur.^{/7/} The risk of damage, injury, and/or fatality is also present during project construction, but considered

relatively slight if all operations are conducted in accordance with relevant safety procedures such as those mandated by OSHA or suggested by ABAG.

Because the proposed new store would not be located on a fault trace, there would be less risk to Lucky Supermarket employees and customers with the project than under existing conditions. If the existing Lucky Store were occupied by a similar retail use, the risk to people in the existing building would be similar at that site to the current risk; the number of people exposed to seismic risk would vary depending on the type and intensity of use, and could be greater or fewer than at present.

Because soils on the site are relatively stiff and compact, the potential for earthquake-induced liquefaction is considered to be minimal. In addition, according to the geotechnical report prepared for the project, the fill could be properly engineered so as to further minimize any potential liquefaction or differential settlement.

Immediately after a major earthquake, emergency response to the area is anticipated to be seriously delayed. State Route 13 is expected to be closed, although there would likely be limited access for emergency traffic available within 36 hours./4/ Because the highway would be closed or restricted, minor arterials could be subject to extreme congestion and extensive delay.

The project would be subject to potentially significant ground rupture effects within the identified fault trace zone. However, these potentially significant effects would be less for supermarket employees and patrons than if the existing Lucky Store were to continue its operation. These effects could be mitigated to a less than significant level with the inclusion of mitigation measures identified in this report.

MITIGATION MEASURES

Proposed as Part of the Project

Seismicity

- To reduce the threat of ground rupture-related injuries, all structures for human occupancy would be set back 20 feet from the fault shear zone identified in and specified by the applicant's geotechnical report.

IV. Environmental Setting Impacts and Mitigation Measures

Identified in this Report

Geology and Soils

- To minimize safety hazards and aesthetic nuisances, all obstructions cleared from the area during site preparation should be stored properly on-site or disposed of at an approved location. Where possible, these materials should be re-used (e.g., asphalt for backfill as specified in the applicant's geotechnical report).
- During excavation, dewatering should be done in order to provide dry working conditions and a proper subgrade for basement construction, as specified in the applicant's geotechnical report.
- To prevent failure of excavation walls and/or slopes, walls and slopes should be shored and braced. All shoring schemes should follow the recommendations of the applicant's geotechnical report and adhere to OSHA requirements.
- To assure proper preparation of surface grades, all grading plans should be reviewed by a certified engineering geologist or registered geotechnical engineer. In addition, all operations should be conducted under the supervision of a certified engineering geologist or registered geotechnical engineer following the specifications outlined in the applicant's geotechnical report. Compaction and backfilling should be done following the same guidelines.
- All other recommendations for development specified in the applicant's geotechnical report should be implemented as part of the project.

Seismicity

- In order to minimize the effects of groundshaking on planned structures, all design plans should be reviewed by a California-licensed structural engineer and should adhere to all relevant building codes, such as the Uniform Building Code.
- Due to the close proximity of the site to the Hayward fault and the expected high occupancy of the proposed new supermarket, seismic design forces should be increased to 1.5 times current building code requirements, per the recommendation of the City of Oakland Seismic Safety Division.
- Due to the close proximity of the site to the Hayward fault and the expected high occupancy of the proposed new supermarket, the project sponsor should provide for building construction to be monitored continuously by a licensed structural engineer.
- The project sponsor should design the building structure and foundation system to account for the displacement and differential movement that could result from an earthquake. The expected magnitude of such movements would be determined by a geotechnical consultant.
- Prior to construction, the project sponsor should ensure that the location of the fault shear zone and setback limits are accurately delineated by a licensed surveyor.

- The project sponsor should provide for a licensed geologist to be on-site during excavation to ensure that no unknown branches of the Hayward fault cross the footprint of the proposed project building.
- Special consideration should be given to the design of the connection between the main structure and the parking access ramp to minimize damage in the event of a surface rupture.
- To minimize the potential for items to fall from shelves during an earthquake, all shelves should be horizontal, and if possible, sloped away from the aisles. In addition, shelves should potentially have "fences" along the aisle-side edges.
- Because emergency response to the site could be seriously delayed after an earthquake, the Montclair Lucky Supermarket should have an emergency operating procedures plan. Part of this plan could include having personnel trained in basic first-aid.

NOTES - Geology, Soils, and Seismicity

- /1/ Unless otherwise noted, information used in the setting section is obtained from Kaldveer Associates' *Geotechnical Investigation for Lucky Store No. 27 Replacement, Montclair District, Oakland, California*, 1990; *Revised Fault Rupture Hazard Investigation for Proposed Shopping Center, Oakland, California*, December 1990; and *Supplemental Fault Rupture Hazard Investigation, Proposed Lucky Store, Montclair [Oakland], California*, February 1992.
- /2/ Radbruch, D.H., 1969, *Aerial and Engineering Geology of the Oakland East Quadrangle*, California: U.S. Geological Survey, Map GQ-769, scale 1:24,000.
- /3/ Radbruch-Hall, D.H., 1974, *Map Showing Recently Active Breaks along the Hayward Fault Zone and the Southern Part of the Calaveras Fault Zone*, California: U.S. Geological Survey, Miscellaneous Investigations Map I-813, scale 1:24,000.
- /4/ CDMG, 1987, *Earthquake Planning Scenario for a Magnitude 7.5 Earthquake on the Hayward Fault in the San Francisco Bay Area*: Special Publication 78.
- /5/ United States Geological Survey, *Probabilities of Large Earthquakes in the San Francisco Bay Region, California*, July 1990.
- /6/ Kaldveer Associates, *Revised Fault Rupture Hazard Investigation for Proposed Shopping Center, Oakland, California*, December, 1990, and Kaldveer Associates, *Supplemental Fault Rupture Hazard Investigation, Proposed Lucky Store, Montclair [Oakland], California*, February 1992.
- /7/ Geo-Resource Consultants, Inc., Letter to David Lau, Seismic Safety Division, City of Oakland, January 15, 1991.
- /8/ Bolt, Bruce A., *Earthquakes*, W.A. Freeman and Company, San Francisco, California, 1988.

D. VISUAL QUALITY

SETTING

The project site is in the Montclair Village shopping area alongside State Route 13 (the Warren Freeway). The site is currently used as a paved parking lot around which are located an existing Lucky Supermarket and several other retail uses.

The site vicinity is a valley between two ridges of the Oakland hills. The ridge to the east separates Alameda and Contra Costa Counties. The Oakland City Limit is at the top of the ridge and the hillside to the east of the project includes numerous residential structures along tree-lined streets that do not conform to a grid pattern; only in the few relatively flat blocks surrounding the project are the streets laid out in a grid. The ridge to the west, lower than the hills rising east of the site, also includes residences on streets that deviate from a grid. The City of Piedmont lies just over this ridge, surrounded by Oakland neighborhoods.

State Route 13 generally follows the valley between the two ridges. The project site is located just east of State Route 13 and about one block west of an abandoned right-of-way for the old Sacramento Northern Railway.

The Montclair Village shopping area encompasses an approximately four-block stretch of Mountain Boulevard, Moraga Avenue, and the adjoining side streets. It extends between Moraga Avenue and Mountain Boulevard, roughly from the Montclair Recreation Center to Merced Avenue. The Land Use Element of the Oakland *Comprehensive Plan* characterizes Montclair Village as a "community shopping area," or one that generally serves several neighborhoods./1/ The area slopes gently down from east to west, with State Route 13 as the low point. Montclair Village includes, in addition to the existing Lucky Supermarket, another supermarket, a mid-sized department store, and numerous smaller businesses including restaurants, banks and service stations. Most of the businesses are neighborhood-serving retail uses. The project site, which is at the northern end of the retail area, is generally rectangular. The existing Lucky Supermarket and about eight other businesses are located on the south and north sides of the site, which is currently occupied by a 175-space surface parking lot. The parking lot is bounded by Mountain Boulevard to the east and by Moraga Avenue to the west; the lot slopes gently down from Mountain Boulevard

to Moraga Avenue, at a grade of between four percent and seven percent. There are retail and office uses on the east side of Mountain Boulevard, while State Route 13 is immediately to the west of Moraga Avenue. The parking lot is lighted 24 hours a day for the existing Lucky store.

In addition to the parking lot on the project site there is an elevated parking structure (Montclair Parking Garage) about two blocks southeast of the project site and there is rooftop parking on the other supermarket, a Safeway store, about three blocks south of the project site, at Mountain Boulevard and Moraga Avenue. The Montclair Parking Garage operates until 9:00 p.m., Monday through Saturday. The Safeway store is open 24 hours, and its rooftop parking is lighted at night. Other retail uses also offer some parking.

Commercial buildings in the project vicinity are generally one or two stories in height, with a few three-story structures. Nearly all of the commercial structures include ground-floor retail uses; there are some office uses on the upper floor. Visually, the commercial buildings are distinguished primarily by their signage and awnings, particularly along Mountain Boulevard, which has the look of a "Main Street" shopping district. While a small number of retail stores existed in Montclair Village as early as the 1930s, most of the buildings in the shopping area were constructed in the 1950s.^{2/} Most of the building facades, even on older structures, appear to be of post-World War II vintage, and several structures have been remodeled in recent years. Stucco, wood siding, and shingles are common exterior coverings, with stone block, brick, and faux half-timber also present. Several second-story offices are covered by horizontal or vertical louvers. The largest buildings are the existing Lucky Supermarket; the three-story, 18,000-sq. ft. Bank of America building that also houses several other businesses across the parking lot from the Lucky Supermarket; a two-story McCaulou's department store on Mountain Boulevard; the Safeway; the three-level Montclair Parking Garage; and a three-story office building at 1900 Mountain Boulevard. Montclair Village is called out among Oakland's shopping areas as one where "particularly close attention" should be given to development proposals in order that they be "harmonious with their surroundings."^{3/}

There are residential structures northeast, east and southeast of the project site; on either side of, and up the hill from, the Montclair Village shopping area. These residences are primarily single-family dwellings, the oldest of which date from the

period immediately prior to World War II (generally, 1935 to 1941)/4/; they are typical of builders' homes of that era. The hills also contain a number of newer, larger homes that most likely reflect the increased land values in the Bay Area and the desirability of living on hillside lots. Some of the residences are perched on the edge of relatively steep hillsides, offering spectacular panoramic views while also being clearly visible from below. Despite the presence of these newer, more visible residences, the prevailing impression from below is of homes partially hidden by the relatively thick hillside vegetation.

Closer to the project site, on Lucas Street near Merced Avenue, there are a number of three- and four-story, multi-family (generally, three- or four-unit) residential buildings on streets at lower elevations that follow the grid pattern of the immediate project area. As is the case for the single-family dwellings higher on the hill, vegetation, including mature trees, exists between and/or behind these multi-family buildings, softening the visual contrast between the dwellings and the hillside.

To the west, across State Route 13, the prevailing pattern is also one of single-family homes along tree-lined, curving streets on the hillside. These homes are generally larger and older than those to the east of the freeway, some dating back to the 1920s, and include a variety of "builder designed" homes (not distinctive of any particular architectural style), as well as elements of styles ranging from bungalow to half-timber. These residences are generally less visible from below than are the homes to the east of the site.

One of the most distinctive buildings in the project vicinity is a firehouse on Moraga Avenue, about 0.25 miles north of the project site. This "restrained 'Mother Goose'" gingerbread-house-style structure was constructed in 1927./5/

Long-Range Views

The site, being in the valley alongside State Route 13, is visible from many public vantage points to the east. On the other hand, it is almost totally obscured by vegetation and buildings from public vantage points to the west.

IV. Environmental Setting Impacts and Mitigation Measures

The site is visible from numerous points along Magellan Drive, up the hill to the east. It is also visible from other streets farther up the hill to the east. The site is visible from points along the abandoned Sacramento Northern Railroad right-of-way, which is now used as a public path.

To the west, the more extensive vegetation blocks views of the project site except from LaSalle Avenue just west of State Route 13. Landscaping along the freeway blocks views of the site from lower elevations, such as from Trafalgar Place, while extensive vegetation on the hillside makes the site impossible to see from other streets such as Estates Drive and Bullard Drive. The site is visible from a pedestrian overcrossing (over State Route 13 and Moraga Avenue) that connects the dead-end of Bruns Court with the Montclair Recreation Center (Figure 19).

Short-Range Views

In views from the east along Mountain Boulevard, the site serves as a break in the line of buildings along the west side of Mountain Boulevard. State Route 13 is partially visible through landscaping to an observer looking across the parking lot that now occupies the site. Most homes located west of the freeway are obscured from view by a wooded hillside (Figure 20). The site recedes from view as one moves north or south along Mountain Boulevard.

From Moraga Avenue to the west, the site is similarly visible. The view through the parking lot reveals business establishments on the east side of Mountain Boulevard and the homes and tree-lined streets of Montclair above. As on Mountain Boulevard, the site recedes from view as one moves north or south along Moraga Avenue (Figure 21).

The site is visible from the Montclair Recreation Center to the north through a stand of redwood trees up to about 85 feet tall at the park's southern edge (Figure 22). These trees, along with others inside the park, are a prominent visual feature of the immediate project area and mark the northern boundary for urban development along this portion of Moraga Avenue.



SOURCE: Environmental Science Association, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 19
Photograph of Project Site, Looking Southeast from the
Pedestrian Overcrossing Over State Route 13



Montclair Lucky's Supermarket / 91021B ■

SOURCE: Environmental Science Associates, Inc., August 1991.

Figure 20

Photograph of Project Site,
Looking West from Mountain Boulevard



SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021R ■

Figure 21

Photograph of Project Site, Looking North from
South of the Moraga Avenue / Medau Place Intersection



SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 22
Photograph of Project Site, Looking South from
Montclair Recreation Center Park

IMPACTS

The project would fill in approximately the western half of the parking lot (project site) with a structure. The project structure would have a "footprint" of approximately 30,000 sq. ft. and would be about 40 feet in height along the Moraga Avenue frontage to the top of the railing around a rooftop parking lot. A rectangular pediment would rise about six feet above the railing at the northern edge of the Moraga Avenue side of the building, and a mechanical penthouse would rise about six feet above the southern corner (to about 48 feet above the street). The project would also include regrading of the site so that the remaining ground-level parking area (the eastern half of the project site) would no longer slope but would be on the same elevation as Mountain Boulevard. With this new grade, the Mountain Boulevard side of the building would be about 32 feet high, with two towers, one about 50 feet tall and the other about 46 feet tall. Access to existing retail building north of the project site (Bank of America building) would be via a walkway from Mountain Boulevard that would retain the present grade of the parking lot and is proposed to be separated from the regraded surface lot by a retaining wall between about four to seven feet in height. Access to the existing Lucky Supermarket building would be from Mountain Boulevard and could also be via a similar sloped walkway that would be off the project site (and therefore is not proposed as part of the project).

The north (Montclair Recreation Center) side of the building would be set back about 10 feet from the park at ground (garage) level, with the store level to be cantilevered out to the property line. The existing redwood trees on this side of the building would remain.

The proposed supermarket building would include a basement parking level and truck loading area that would be at grade on Moraga Avenue and below grade on the Mountain Boulevard side; access to this level would be from street level on Moraga Avenue and via a sloped ramp at the southern edge of the surface parking lot on Mountain Boulevard.

The primary visual elements of the front (Mountain Boulevard) side of the building would be a series of arches and two towers of slightly different size, each topped with a tiled roof. There would be two arched pedestrian entrances, each within a slightly projecting vertical element capped by one of the towers; the arch in the larger tower would be about 24 feet wide, while the smaller arch would be about 18 feet wide.

Located along the front wall of the building would be speed ramps (moving sidewalks) that would transport shoppers and carts to and from the roof-level and basement parking areas. These speed ramps would be shielded from most views behind a wall with three arches that would extend across the front of the building between the two main arches. The roof atop this wall would be covered in tiles to match the towers. At the south side of the Mountain Boulevard frontage, and about 10 feet below the grade of the parking lot, would be a vehicle entrance to the basement garage within an arch about 24 feet in width, with a smaller arched pedestrian entrance immediately to the south. A similar pedestrian arch near the north end of the building would provide access to a garage elevator and stairway, with the exterior wall rising to screen the rooftop elevator housing. At the far north side of the Mountain Boulevard frontage there would be a vehicle ramp to the rooftop parking area. Windows through the two towers and the wall in front of the elevator would provide the appearance of a partial second story.

The arch motif would be continued on the rear (Moraga Avenue) side, where there would be a 24-foot wide arched driveway leading into the basement parking area with an adjacent arched pedestrian entrance. Two relatively small arches in the center of this side of the building would serve as windows into this parking area, with another arch acting as a faux window against the wall of the basement storage area. A dominant visual feature of the Moraga Avenue side of the building would be a pair of 36-foot wide rectangular entrances for delivery trucks. These truck entrances would be between 14 and 16 feet high.

Finish materials would include a stucco veneer with accent tiles at the base of each arch and planted shrubbery on both the Mountain Boulevard and Moraga Avenue sides of the building; no color scheme has yet been selected. Ventilation for the basement parking on the north side of the building would be provided through metal grilles that would be obscured from view with planted vines.

The stucco exterior would be similar to those of many buildings in Montclair Village that have masonry exteriors, including the existing Lucky store, the Bank of America building adjacent to the project site, the McCaulou's department store, the Safeway store, and the Thrifty Jr. drug store on Mountain Boulevard. It would differ from other buildings that have wood exteriors, including the adjacent Montclair Pet Shop (sides and rear), the Montclair Plaza building at LaSalle and Moraga Avenues, and the

1900 Mountain Boulevard office building. The arches that would be included on the Mountain Boulevard side of the new Lucky Supermarket would be a new architectural element in Montclair Village. Towers, which would characterize the new store, are found on two buildings at the corner of Mountain Boulevard and LaSalle Avenue; one also has a tile roof, as would the proposed Lucky Supermarket.

Long-Range Views

Because of the topography, the new Lucky Supermarket would be visible from numerous locations on the hill to the east. From these locations, the project would appear to "fill in" much of what is now a street-level parking lot with a structure that is larger than most in the immediate project area. Because about one-fourth of the parking and the loading docks would be covered, rather than exposed as at present, the replacement of the existing surface parking and outside loading with a structure could have a positive visual impact.

The new store would be consistent with other large, auto-oriented retail uses in Montclair Village (large structure with attached and rooftop parking), and would add to the density of retail uses in the shopping area. Its rooftop parking would be similar to two other relatively large structures with rooftop parking in the project vicinity.

Light and glare from vehicles using the rooftop parking area would be visible from some vantage points from which the existing surface parking lot cannot be seen. Generally, these points would be upper-story residences in multi-unit buildings along Lucas Avenue, and upper-story offices in the taller buildings in Montclair Village. From vantage points on the surrounding hillsides, light and glare would not be expected to be markedly different from that created by the existing surface-level parking lot or the nearby rooftop parking at the Safeway Supermarket, which is also open 24 hours. (The Montclair Parking Garage does not generate late night glare because it closes at 9:00 p.m.) If the project were to have exterior night lighting designed to create minimal spillover off the site, light and glare would not create a significant visual impact.

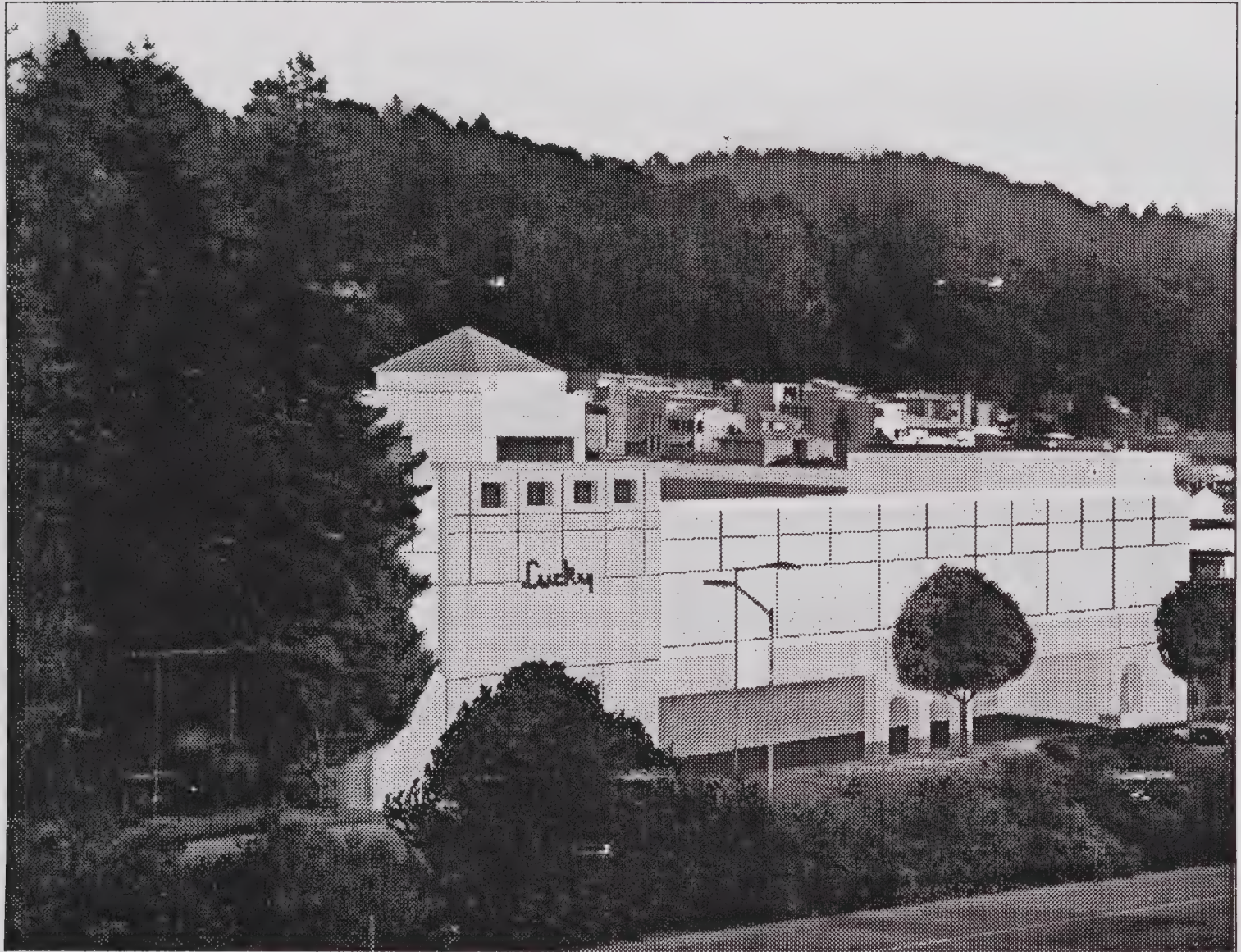
From locations such as Magellan Drive and streets farther up the hill to the east of the site, the project would not block any scenic views. Persons looking at the project from these viewpoints would be looking down upon the new store; the only sightlines

blocked would be those that provide views of State Route 13 and Moraga Avenue. The project would also be visible from some homes along Magellan Drive and other streets. As noted, light and glare would be similar to existing conditions.

From the west, vegetation would obscure the project from view from most public streets west of State Route 13. The new store would be clearly visible from the pedestrian overcrossing over the freeway that connects the dead-end of Bruns Court with Montclair Recreation Center (Figure 23). From this vantage point, the project would partially block views of other buildings in the Montclair Village shopping area, including the existing Lucky Supermarket. It would present a mostly solid wall along the entire Moraga Avenue frontage between the park and Medau Place. Because of the grade down from east to west, the project, even with the towers that are part of the design, would not block views of the tree-covered hillside to the east of the project site. However, because of the slope, the western facade of the building would be the tallest, at about 40 feet (about 48 feet to the top of the mechanical penthouse on the southwest corner and about 46 feet to the top of the pediment on the northwest corner). Above the garage and loading dock entry, this facade would present a solid wall that would appear more massive than most surrounding commercial buildings. The project would likely be visible from some homes on Estates Drive, Bullard Drive, LaSalle Avenue, and/or Bruns Court. Because the project would be infill development and would be constructed within the general height and bulk limits of an already developed commercial area, effects on long-range views would not be significant.

Short-Range Views

From immediately east of the site, the project would partially eliminate the break in the building frontage along the west side of Mountain Boulevard. The new store would be set back 125 to 200 feet from Mountain Boulevard, with landscaping that would be added to the remaining surface parking area serving to partially break up the street-level view of the site (Figure 24). The building would block street-level views of the hillside west of State Route 13; from this vantage point, the southernmost tower would appear to reach almost as high as the tops of the trees on the hillside behind. However, the upper portions of this hillside would continue to be visible above the store's rooftop parking lot. Because surrounding development blocks similar sightlines, this would not be considered significant.



SOURCE: Environmental Science Associates Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 23

Visual Simulation of Project Looking Southeast from
the Pedestrian Overcrossing Over State Route 13



SOURCE: Environmental Science Associates Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 24

Visual Simulation of Project
Looking West from Mountain Boulevard

IV. Environmental Setting Impacts and Mitigation Measures

From Moraga Avenue to the west, the store would present the same largely unbroken two-story frontage as would be seen from the pedestrian overcrossing (Figure 25). Street trees would be planted along this side of the building. The project would be about 40 feet in height on this frontage (46 feet at the northern corner and 48 feet at the southern corner), including the lower parking level, and would block views of the southern end of the park from south on Moraga Avenue. The new store would be taller than other adjacent buildings. Some of the existing redwood trees would be taller than the project and would serve as a visual backdrop from this vantage point.

The new Lucky Supermarket would be visible through the existing Redwood trees from within the Montclair Recreation Center, although the trees would serve to diminish the visual impact from the park (Figure 26).

The project would also block views from directly west of the site on Moraga Avenue looking across to the Mountain Boulevard shops and the hillside to the east above. It would replace the view of the hills and the existing parking lot with that of the relatively solid wall of the proposed store's western facade. In the context of the existing densely built-out Montclair Village commercial area, replacement of a parking lot with a commercial structure, and the resulting loss of hillside views from a small portion of the adjacent street, would not have a significant visual impact. Construction of the proposed new Lucky Supermarket would not result in a feature of such contrast in scale, design, or finish materials with surrounding commercial development as to be considered a significant visual impact.

Within the remaining street-level parking area on the site, retaining walls up to about seven feet in height would separate the regraded parking lot from a walkways to the Bank of America building to the north and from the existing Lucky Supermarket building to the south. This could visually reinforce the new store's relative height when viewed from entrances to these buildings, but would not be considered significant because it would be a transitory view.

The project would be subject to design review prior to any other approval by the City of Oakland (*Zoning Regulations* Section 4402; Sections 9300 et. seq.). Section 9304 specifies the criteria under which design review approval may be granted:



SOURCE: Environmental Science Associates Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 25

Visual Simulation of Project Looking North from
South of the Moraga Avenue / Medau Place Intersection



SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 26
Visual Simulation of Project
Looking South from the Montclair Recreation Center Park

IV. Environmental Setting Impacts and Mitigation Measures

- (a) That the proposal will help achieve or maintain a group of facilities which are well related one to another and which, taken together, result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered. . . .
- "(b) That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.
- "(c) That the proposed design conforms in all significant respects with any applicable district plan or development control map which has been adopted by the City Council."

The Planning Director or City Planning Commission will determine whether the project conforms to the applicable design review criteria summarized above and may approve or disapprove the project design. The Director's decision may be appealed to the City Planning Commission and the City Planning Commission's ruling may be appealed to the City Council (*Zoning Regulations*, Sections 9303, 9305 and 9306).

MITIGATION MEASURES

Measures Proposed to Mitigate Potentially Significant Effects

Proposed as Part of the Project

- The project sponsor would include in the building design a solid wall about four feet tall surrounding the rooftop parking area that would reduce the light from vehicle headlights that would be directed off the site.

Identified in this Report

- The project sponsor should use exterior lighting for the rooftop and surface parking areas that would create minimal spillover off the site, to the extent feasible, and consistent with the safety of persons using the parking lot.

Measures Proposed to Reduce Non-Significant Effects

Proposed as Part of the Project

- The project sponsor would plant trees and shrubs in the remaining street-level parking area off of Mountain Boulevard and would plant street trees along the Moraga Avenue side of the building in order to visually soften views of the project site. The project sponsor would plant vines along the north side of the building to screen views of the parking garage.

Identified in this Report

- The project sponsor should include in the building design variation in the textures and/or color of the Moraga Avenue facade above the parking / loading level to reduce the apparent mass of the building when viewed from the west. Examples could include the creation of false "windows" and incorporation of three-dimensional elements into the facade, such as awnings, sunscreens and friezes. Consideration should also be given to designing the building to appear as though it were a series of smaller structures, rather than one large structure.

In order to monitor the implementation of measures proposed to reduce non-significant effects, the City could consider inclusion of this measure in the project design as requirements for project approval. Project approval could be dependent upon implementation by the project sponsor of this measure into the project design.

NOTES - Visual Quality

/1/ City of Oakland, *Oakland Comprehensive Plan*, Land Use Element, 1980. p. 49.

/2/ Information on history of Montclair Village retail district obtained through telephone interviews with two long-time property owners and merchants in the area, March 1992.

/3/ City of Oakland, *Oakland Comprehensive Plan*, Land Use Element, 1980. p. 45.

/4/ Oakland City Planning Department, Preliminary Architectural / Historical Survey, unpublished, 1986 (on file at City Planning Department).

/5/ Gebhard, David, Eric Sandweiss and Robert Winter, *The Guide to Architecture in San Francisco and Northern California*. Salt Lake City: Peregrine Smith Books, 1985. Page 302.

E. AIR QUALITY

SETTING

Climate and Meteorology

The San Francisco Bay Area climate is Mediterranean in character, with mild, rainy weather from November through March, and warm, dry weather from June through September. The movements of marine air establish the temperature, humidity, wind, and precipitation throughout the year, which in turn depend upon the location and strength of the dominant Pacific high-pressure system and the coastal temperature gradient. Average air temperature increases as distance from the coast increases. Winter and summer temperatures in the project area average 55° and 80° Fahrenheit (F), respectively.

In winter, the Pacific high-pressure system moves southward, allowing ocean-formed storms to move through the region. Stagnant atmospheric conditions can exist for several days between storms; these conditions are conducive to smog formation. Radiational cooling during the evening sometimes creates thin inversions and concentrates air pollutant emissions near the ground.

In general, northwesterly winds generated by high-pressure cells over the Pacific Ocean are drawn through the Golden Gate and forced into a more westerly orientation. Once through the Golden Gate, this air mass is split by the East Bay hills, and produces generally southwesterly winds in San Pablo, and northwesterly winds in San Jose. Winds have been measured at the Bay Area Air Quality Management District's (BAAQMD's) Oakland International Airport monitoring station (about 10 miles west of the project site). Data collected at the monitoring station from 1965 to 1978 indicate that summer winds are predominantly from the west-northwest, at an average speed of about 11 miles per hour (mph). Predominant winter winds are from the southeast, with an average speed of about 10 mph./1/

Air Quality Regulations, Plans, and Policies

Federal

Regulation of air quality is achieved through both federal and state ambient air quality standards and emissions limits for individual sources of air pollutants. As required by

the federal Clean Air Act, the U.S. Environmental Protection Agency (EPA) established the National Ambient Air Quality Standards (NAAQS) for ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), suspended particulate matter (PM₁₀), and lead (Pb). These six pollutants are called "criteria air pollutants" because they correspond to criteria specified in the federal Clean Air Act.

EPA classifies Air Basins (or portions thereof) as either "attainment" or "nonattainment" for each criteria air pollutant, based on whether or not the NAAQS have been achieved. O₃ nonattainment areas are categorized as "extreme," "severe," "serious," "moderate," or "marginal." The CO and PM₁₀ nonattainment regions are divided into "serious" and "moderate" classifications. The San Francisco Bay Air Basin is categorized as moderate with respect to O₃ and CO. Attainment status has been granted for the other criteria air pollutants.

The 1977 federal Clean Air Act required the Bay Area to develop a plan aimed at achieving attainment by 1987; the 1982 Bay Area Air Quality Plan (1982 Plan) was developed for this purpose. By 1987, however, the Bay Area was still nonattainment for O₃ and CO; a contingency plan element of the 1982 Plan has since been in effect. Pursuant to the 1990 federal Clean Air Act Amendments, a new plan will be developed for the Bay Area to satisfy federal air quality requirements. This new plan will be completed in 1993.

State

The California Air Resources Board (ARB) is a state agency that indirectly regulates Bay Area air quality by establishing California ambient air quality standards and vehicle emission standards, and through its research, planning, and coordinating activities.

California air pollutant standards are more stringent than corresponding federal standards for the six criteria air pollutants. In 1988, California passed the California Clean Air Act (1988 Act). Under the 1988 Act, districts in nonattainment of state standards are classified as either "moderate," "serious," or "severe," according to the estimated time frame required for the district to attain state air quality standards. A district that would attain the state air quality standards by 1995 would be designated "moderate"; by 1998, "serious"; and not until after 1998, "severe." The Bay Area Air Basin has been designated severe with respect to O₃ attainment, serious with respect to CO attainment, and severe with respect to PM₁₀ attainment.

IV. Environmental Setting Impacts and Mitigation Measures

The 1988 Act requires nonattainment areas to develop air quality plans aimed at achieving state air quality standards. For this purpose, the 1991 Clean Air Plan was developed for the Bay Area. Although it is likely that any plan meeting California requirements will also satisfy federal attainment plan requirements, the 1991 Clean Air Plan was prepared to satisfy California law. The 1988 Act requires plans either to demonstrate a five percent per year reduction of nonattainment pollutants or pollutant precursors until attainment is reached; or, to provide for implementation of all feasible measures, if the ARB rules that the annual five percent reductions are not possible. For the Bay Area, the five percent per year reductions of O₃ precursors will not be achieved; the controls in the 1991 Clean Air Plan represent all feasible emission reduction measures.

The California State Air Toxics Program was established in 1983 under AB1807 (Tanner); this bill set up a statewide process which determined standards for toxic air contaminant (TACs) emissions and ambient concentrations. A total of 15 substances have been designated TACs. Regulation of TACs is conducted through local air pollution control districts and air quality management districts, such as the BAAQMD.

Local

The BAAQMD regulates air quality in the San Francisco Bay Area Air Basin through its permit authority over most types of stationary emission sources and through its planning and review activities. The BAAQMD operates a regional network of monitoring stations that provides information on ambient concentrations of air pollutants, including TACs. Emissions of criteria air pollutants are regulated through both emission limits and state ambient air quality standards. The BAAQMD regulates TACs through a case-by-case source review program.

Bread bakeries generate organic compounds. As yeast in the bread ferments, organic compounds are released. BAAQMD Regulation 8 deals with emissions of organic compounds. According to Regulation 8, Organic Compounds, Rule 42, Large Commercial Bread Bakeries, appropriate measures must be made to limit and reduce the emissions of precursor organic compounds from bakery bread ovens. Rule 42 does not apply to bakeries producing less than 100,000 pounds of bread per day, averaged over all operating days in any one month./4/

BAAQMD Regulation 7 prohibits the emission of odorous substances into the atmosphere; this Regulation is not applicable unless the Air Pollution Control Officer receives odor complaints from 10 or more complainants within a 90-day period./5/

Existing Air Quality

The BAAQMD operates a regional air quality monitoring network that provides information on average concentrations of those pollutants for which state or federal agencies have established ambient air quality standards. Table 16 is a five-year compilation of monitoring data (including ozone and carbon monoxide levels) from several East Bay BAAQMD monitoring stations; data shown on the table is representative of the air quality in the project area. Table 16 compares pollutant concentrations with the state ambient air quality standards, which are more stringent than the corresponding federal standards.

Existing emissions associated with the project area are primarily traffic-generated. Other emissions are from refrigeration units and mechanical equipment at the existing Lucky Supermarket.

Ozone (O₃)

The federal O₃ standard is regularly exceeded in parts of the Bay Area Air Basin, and therefore the Air Basin is non-attainment for both the federal and the stricter state O₃ standards. O₃ is not emitted directly, but is a secondary pollutant produced through a complex series of photochemical reactions involving hydrocarbons (HC) and nitrogen oxides (NO_x). Significant O₃ production generally requires that HC and NO_x are present for about three hours in a stable atmosphere with strong sunlight. O₃ is a regional air pollutant because it is transported and diffused by wind concurrently with the photochemical reaction process. Motor vehicles are the major source of O₃ precursors in the Bay Area. O₃ causes eye and respiratory irritation, reduces resistance to lung infection, and may aggravate pulmonary conditions in persons with lung disease. Table 16 shows that violations of the state O₃ standard occurred on one day between 1986 and 1990.

Carbon Monoxide (CO)

CO is an odorless, invisible gas usually formed as the result of incomplete combustion of organic substances. Over 80% of the CO emitted in the Bay Area comes from

IV. Environmental Setting Impacts and Mitigation Measures

TABLE 16: OAKLAND AIR POLLUTANT SUMMARY, 1986-1990

Pollutant	Std./a/	Monitoring Data by Year				
		1986	1987	1988	1989	1990
<u>Ozone (O₃)/b/</u>						
Highest 1-hr. average, ppm/c/	0.09	0.09	0.09	<u>0.10</u>	0.08	0.06
Number of standard violations/d/		0	0	1	0	0
<u>Carbon Monoxide (CO)/b/</u>						
Highest 1-hr. average, ppm	20.0	12.0	9.0	10.0	10.0	8.0
Number of standard violations		0	0	0	0	0
Highest 8-hr. average, ppm	9.0	7.5	4.9	5.6	7.5	6.1
Number of standard violations		0	0	0	0	0
<u>Nitrogen Dioxide (NO₂)/e/</u>						
Highest 1-hr. average, ppm	0.25	0.13	0.09	0.11	0.11	0.08
Number of standard violations		0	0	0	0	0
<u>Sulfur Dioxide (SO₂)/e/</u>						
Highest 1-hr. average, ppm	0.25	0.05	0.04	0.04	0.04	0.07
Number of standard violations		0	0	0	0	0
<u>Respirable Particulate Matter (PM₁₀)/f/</u>						
Highest 24-hr. average, ug/m ³ /c/	50	N/A	N/A	N/A	<u>77</u>	<u>136</u>
Number of standard violations					5	10
Annual Geometric Mean, ug/m ³	50	N/A	N/A	N/A	29.1	27.1
<u>Lead (Pb) /e/</u>						
Highest monthly average, ug/m ³	1.5	0.55	0.13	0.15	0.14	0.16
Number of standard violations/g/		0	0	0	0	0

/a/ State standard, not to be exceeded, except for the Pb standard which is not to be equaled or exceeded

/b/ Pollutant data were collected at BAAQMD's Alice Street station in Oakland.

/c/ ppm = parts per million; ug/m³ = micrograms per cubic meter.

/d/ Refers to the number of days in a given year during which violations of the applicable standard were measured.

/e/ Pollutant data were collected at BAAQMD's 13th Street station in Richmond.

/f/ Pollutant data were collected at BAAQMD's Fremont station.

/g/ Samples taken every sixth day. Violations per year are about six times those listed.

Note: Underlined values are in violation of applicable standard.

NA: Not Available.

SOURCES: California Air Resources Board, *Air Quality Data Summaries*, 1986-1990.

motor vehicles. Ambient CO concentrations normally correspond closely to the spatial and temporal distributions of vehicular traffic. CO concentrations are also influenced by wind speed and atmospheric mixing. Under inversion conditions, CO concentrations may be distributed more uniformly over an area out to some distance from vehicular sources. High levels of CO can impair the transport of oxygen in the bloodstream, thereby aggravating cardiovascular disease and causing fatigue, headaches, and dizziness. Neither the one-hour nor the eight-hour CO standard was violated at the BAAQMD Oakland monitoring station between 1986 and 1990, although the Bay Area is non-attainment with respect to both state and federal CO standards.

Respirable Particulate (PM₁₀)

PM₁₀ consists of inhalable particulates that can cause adverse health effects, including lung damage. The largest sources of PM₁₀ in Alameda County include demolition and construction activities, and entrained road dust from vehicular traffic. The nearest PM₁₀ monitoring station to the project site is the BAAQMD's Fremont station. Data has been collected at this station since 1989. The PM₁₀ standard was violated 15 times at the Fremont station in 1989-1990. Because PM₁₀ is a local pollutant, levels are expected to be somewhat lower in the Montclair Village area of Oakland due to Montclair's lower population density.

Nitrogen Dioxide (NO₂)

NO₂ is the "whiskey brown" colored gas readily visible during periods of heavy air pollution. It may increase the risk of acute and chronic respiratory disease. The major sources of NO₂ are vehicular, residential, and industrial combustion. The standards for NO₂ are being met in the Bay Area, and the BAAQMD does not expect these standards to be violated in the future.

Sulfur Dioxide (SO₂)

SO₂ causes aggravation of chronic obstructive lung disease and increased risk of acute and chronic respiratory illness. The major source of SO₂ in the Bay Area is combustion of high-sulfur fuels. Ambient standards for SO₂ are being met throughout the Bay Area, and the BAAQMD does not expect these standards to be violated in the future.

Lead (Pb)

Gasoline-powered automobile engines are a major source of airborne Pb, although the use of leaded fuel is being reduced. Lead can cause hematological (blood-related) effects, such as anemia (iron-deficient blood) and inhibition of enzymes involved in blood synthesis. Lead also may affect the central nervous and reproductive systems. Ambient Pb levels have dropped dramatically as the percentage of motor vehicles using leaded gasoline has continued to decrease. Pb concentrations in the Bay Area are well below the ambient standard and are expected to continue to decline.

Sensitive Receptors

Land uses such as schools, children's day care centers, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality because the young, the old, and the infirm are more susceptible to respiratory infections and other air-quality-related health problems than the general public. Agricultural crops, especially broad-leaved produce crops and cultivated flowers, are also sensitive to air pollutants such as O₃, NO_x, and SO₂.

Residential districts are also considered sensitive to poor air quality because people are often at home for extended periods of time. People in industrial and commercial districts are less sensitive to poor air quality because exposure periods are shorter and workers in these districts are, in general, in the least sensitive age categories. (They generally do not include children, elderly or in-patients at medical facilities.) People involved in recreational uses are moderately sensitive to air pollution, because vigorous exercise associated with recreational activities places a relatively high demand on the human respiratory functions, which air pollution can impair. Noticeable air pollution also detracts from the recreational experience.

Sensitive receptors in the project vicinity include the Montclair Recreation Center adjacent to the site, A Learning Place (an after-school tutoring service for children), located about 250 feet south of the site, and Montclair Elementary School, located about 500 feet north of the site.

IMPACTS

Air quality impacts from a project can result from construction activities or from operational activities. Construction emissions would have a short-term effect, while operational emissions would continue to affect air quality throughout the lifetime of the project.

Significance Thresholds

A project would be considered to have a significant adverse impact on air quality if project-related pollutant emissions would: cause a violation of any ambient air quality standard; contribute substantially to an existing or projected air quality violation; expose sensitive receptors to substantial pollutant concentrations; or conflict with established plans, policies, or regulations on air pollutants.

The BAAQMD's *Guidelines for Assessing Impacts of Projects and Plans* (1985) outlines "significance tests" which determine the potential effect of the project-generated criteria air pollutants on regional air quality.^{6/} The BAAQMD considers a net increase in emissions of one percent over existing county-wide emissions, a modeled violation of CO standards for mobile sources of CO, and a net increase of combined mobile and stationary sources of 150 lb/day of HC, NO_X, SO₂, or PM₁₀ to be thresholds of significance. Because curbside CO concentrations are modeled for mobile sources, there is another test of 550 lb/day of CO that would be considered significant only if it leads to a modeled violation of CO standards.

Construction

Grading and excavation associated with the project would generate fugitive dust. Dust emissions would vary with the level and type of construction activity, the silt content of the soil, and the prevailing weather. The state 24-hour PM₁₀ standard could be violated at times in the project vicinity during construction, and visibility could be temporarily affected.

Early stages of project construction would require the removal of an estimated 2,300 cubic yards of earth. Later stages of construction would include hauling approximately 6,600 cubic yards of earthen fill to the project site. The project sponsor proposes to phase the construction of the project over a 48-week period. Based on the

potential to expose people to relatively high concentrations of dust, especially potential violations of the state and federal PM₁₀ standards, fugitive dust emissions from construction of the project could be a significant impact if not mitigated.

Hydrocarbons (HC) would be emitted by asphalt or oil-based architectural coatings used in project construction. Regulation 8, Rule 15 of the BAAQMD's *Rules and Regulations* prohibits the use of other asphalts. Regulation 8, Rule 3 limits the HC content of architectural coatings. These emissions would be minimal, causing a less-than-significant effect.

The heavy equipment used in the construction of the project, as well as the automobiles transporting workers to and from the site, would generate criteria air pollutant emissions. These emissions would be minimal, causing a less-than-significant impact.

Operation

The supermarket expansion would adversely affect air quality primarily by generating additional vehicle trips. Increased traffic on the local roadway network would lead to greater amounts of pollutant emissions, as well as increased concentrations of criteria air pollutants at the most heavily congested intersections. Other air quality impacts would result from operation of the supermarket bakery and the accumulation of CO in the underground or outdoor parking lots.

Criteria air pollutants also would be generated by stationary source emissions from buildings such as space heating and the use of volatile consumer products. These emissions, however, would be negligible, and would not measurably add to emissions from other project related sources. Table 17 summarizes project-generated air pollutant emissions and compares them with existing county-wide emissions.

Table 17 shows criteria air pollutant emissions generated by project operation. Project-related emissions would account for less than half of one percent of county emissions for all criteria air pollutants; project-generated CO would be less than 550 lb/day, and project generated HC, NO_x, SO₂, and PM₁₀ would be less than 150 lb/day. Emissions from the project for HC, NO_x, SO₂, and PM₁₀ would therefore not be significant because they would not exceed any of the BAAQMD's significance

TABLE 17: ESTIMATED NET INCREASE IN MOTOR VEHICLE EMISSIONS
DUE TO THE PROJECT, 1994

Pollutant	Emissions (lb/day)		Project as a Percentage of County (%)
	Project /a/	Alameda County/b/	
Carbon Monoxide (CO)	266	684,000	0.04
Hydrocarbons (HC)	27	115,000	0.02
Nitrogen Oxides (NO _x)	42	14,000	0.30
Sulfur Dioxide (SO ₂)	2	20,000	0.01
Particulate (PM ₁₀)	20	73,000	0.02

/a/ Based on URBEMIS2, a computer model provided by the California Air Resources Board for estimation of air pollutant emissions. Other assumptions include an average trip length of two miles, an average speed of 25 mph, and EMFAC7D emission factors. "Project" emissions are those project-generated automobile trips.

/b/ Based on the California Air Resources Board Emissions Projections for Alameda County, Base Year 1985.

SOURCE: Environmental Science Associates, Inc., August 1991

thresholds. Project related O₃ emissions (which are related to HC and NO_x emissions) would therefore not be significant.

CO concentrations at intersections and road segments near the project site were modeled using the CALINE4 dispersion model developed by the California Department of Transportation, using peak-hour traffic volumes and worst-case meteorological assumptions./7/ CO concentrations were modeled at the intersections of Mountain Boulevard and Snake Road, Moraga and La Salle Avenues, and Mountain Boulevard and Thornhill Drive. Table 18 shows existing and projected worst-case roadside CO concentrations about 15 feet from the roadway edge.

As shown in Table 18, existing one-hour concentrations at Mountain Boulevard and Thornhill Drive and at Moraga and La Salle Avenues are below the state and federal standards. The state one-hour standard is currently being violated at the intersection of Mountain Boulevard and Snake Road, but a decrease in average vehicle fleet emission factors would bring CO concentrations below the state standard by 1993. Project-generated traffic would not be expected to lead to any violations of the state or federal one-hour CO standard.

TABLE 18: ESTIMATED EXISTING AND PROJECTED WORST-CASE
ROADSIDE CARBON MONOXIDE CONCENTRATIONS

<u>Intersection</u>	<u>Averaging Time (hrs.)</u>	<u>CO Concentration, ppm /a/</u>		
		<u>Existing (1991)</u>	<u>Cumulative (1993)</u>	<u>Cumulative + Project (1993)</u>
1. Moraga Avenue and La Salle Avenue	1	17	17	17
	8	<u>12</u>	<u>11</u>	<u>12</u>
2. Mountain Boulevard and Snake Road	1	<u>20</u>	15	15
	8	<u>14</u>	<u>10</u>	<u>11</u>
3. Mountain Boulevard and Thornhill Drive	1	16	17	17
	8	<u>12</u>	<u>12</u>	<u>12</u>

/a/ Projected using CALINE4 dispersion model, EMFAC7D composite air pollutant emission factors for motor vehicles and worst-case meteorological assumptions.

/b/ One-hour concentrations include a background concentration of eight ppm.
Eight-hour concentrations include a background concentration of six ppm.

NOTE: The state one-hour CO standard is 20 ppm and the federal standard is 35 ppm.
The state and federal eight-hour CO standards are both 9.0 ppm. Values in excess of the applicable standard are underlined.

SOURCE: Environmental Science Associates, Inc., August 1991

The state and federal eight-hour standard of nine parts per million is being violated at all three intersections. At the intersections of Moraga Avenue and La Salle Avenue and Mountain Boulevard and Snake Road, project-generated traffic would cause an increase over future cumulative eight-hour CO concentrations. This increase would add to the frequency of violations of the state and federal CO standard, and would counteract regional efforts to reduce CO concentrations. The project's contribution to local CO degradation would be a significant, adverse impact of project development.

Toxic Air Emissions

Regulation 8, Rule 42 of the BAAQMD's Rules and Regulations restricts volatile organic compound (VOC) emissions from bakeries producing more than 100,000 lb/day of baked goods. The Lucky Supermarket bakery would produce

approximately 1,400 pounds of bakery products each day, seven days per week./8/ Because less than 100,000 pounds of bread would be baked per day, Regulation 8 would not apply to the project bakery.

Odors

The bakery operation would emit odors into the atmosphere. The BAAQMD records a history of odor complaints around the Bay Area. A history of odor complaints in the vicinity of a larger Bay Area Lucky Supermarket bakery operation, located in San Leandro, was compiled in order to establish the potential for the project bakery operations to elicit odor complaints./9/ Climate, meteorology, and atmospheric conditions in San Leandro are similar to those in Oakland, and thus bakery operation effects would be comparable to those under the project. Within the past five years, no odor complaints were filed in the vicinity of the of the San Leandro Lucky Supermarket bakery. Based on the frequency of odor complaints at the San Leandro bakery, it is unlikely that project bakery operations would generate more than 10 odor complaints within a 90-day period, thereby rendering applicable Regulation 7 of BAAQMD's Rules and Regulations. The project's contribution to local odor disturbance would be less-than-significant.

MITIGATION MEASURES

Project Construction

- The City should require the construction contractor to implement a dust abatement program to reduce the effect of construction on local PM₁₀ concentrations to a less-than-significant effect. Elements of this program should include the following:
 - Sprinkle all unpaved construction areas with water at least twice per day during excavation to reduce dust emissions. Additional watering would be carried out on hot or windy days, and grading activities should stop altogether when winds exceed 15 miles per hour. Watering or application of chemical dust palliatives could reduce particulate emissions by about 50%.
 - Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces.
 - Use canvas drapes to enclose building floors during the application of mineral-based fiber insulation to structural steel frames.
 - Sweep up dirt or debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over these surfaces.

While emissions of other criteria air pollutants during construction activities would not represent a significant effect, the following measures are identified as environmentally sound construction practices:

- The contractors should maintain and operate construction equipment so as to minimize exhaust emissions. For example, during construction, run trucks and equipment when necessary. Shut off engines when trucks are loading, unloading or waiting. Keep equipment in good condition and well-tuned, to minimize exhaust emissions.

Project Operation

The project would have an adverse impact on local and regional air quality by increasing CO concentrations at intersections in the project vicinity and by incrementally increasing regional emissions of other criteria air pollutants, including O₃. The most efficient way to reduce O₃ emissions is to reduce HC emissions. Both O₃ and CO emissions could be reduced by decreasing motor vehicle use.

- The project sponsor should enhance existing AC Transit bus stops near the project site to encourage transit use and thereby decrease vehicle trips.
- Employ mitigation measures suggested in Section B. Transportation of this EIR in order to reduce traffic congestion. A reduction in traffic congestion would lead to lower CO concentrations at project-impacted intersections.
- The project sponsor should implement an alternative transportation incentives program for project employees. Elements of this program should include monetary incentives to those employees walking, biking, carpooling, or using public transportation more than 70 percent of their work-travel time.

Implementation of these measures would reduce CO impacts of motor vehicle related emissions, but probably not to a level of insignificance. O₃ emissions, although not significant, would be further reduced by implementation of these measures.

Measures implemented to reduce on-site energy consumption, such as the heat-reclamation system included in the building design, would also reduce building-related, project-generated air pollutant emissions.

NOTES - Air Quality

- /1/ California Air Resources Board, *California Surface Wind Climatology*, 1984.
- /2/ Association of Bay Area Governments, BAAQMD, and the Metropolitan Transportation Commission, *1982 San Francisco Bay Area Air Quality Plan*.
- /3/ Barbara Bates, PM₁₀ Coordinator, BAAQMD, telephone conversation, September 17, 1990.
- /4/ BAAQMD Rules and Regulations, Regulation 8, Rule 42, September 20, 1989.
- /5/ BAAQMD Rules and Regulations, Regulation 7, May 21, 1980.
- /6/ Bay Area Air Quality Management District, *Air Quality and Urban Development; Guidelines for Assessing Impacts of Projects and Plans*, 1985.
- /7/ California Department of Transportation, CALINE4, 1987. This is a computer model for estimating CO concentrations at road segments and intersections.
- /8/ Ron Hughes, Merchandise Manager, Service Bakery, Lucky Stores, Inc., telephone conversation, March 4, 1991.
- /9/ Will Taylor, Enforcement Officer, BAAQMD, letter to ESA, March 8, 1991.

F. NOISE**SETTING****Noise Fundamentals**

Environmental noise typically fluctuates over time, and different types of noise descriptors are used to account for its variability. Two of the most common noise descriptors are L_{eq} and L_{dn} .^{/1,2/} The L_{eq} is the measured time-averaged noise level, while the L_{dn} is a 24-hour noise descriptor calculated from hourly L_{eq} values. The L_{dn} accounts for the greater sensitivity of most people to nighttime noise, and is commonly used in establishing noise exposure guidelines for specific land uses.

Environmental noise is usually measured in A-weighted decibels (dBA).^{/3/} In general, people can perceive a three-decibel difference in noise levels; a difference of 10 dBA, L_{eq} , is perceived as a doubling of loudness. Some representative sounds and sound pressure levels are shown in Table 19.

TABLE 19: TYPICAL NOISE LEVELS FOR COMMONLY ENCOUNTERED SOURCES, L_{eq}

<u>Noise Source</u>	<u>Noise Level, dBA, /a/</u>
Rustle of Leaves in Wind	10
Whisper	20
Average Residence	30
Refrigerator	40
Average Office	50
Normal Speech	60
Vacuum Cleaner	70
Garbage Disposal	80
Food Blender	90
Auto Horn	100

/a/ L_{eq} sound pressure levels indicated are at distances at which these noise sources are commonly encountered.

SOURCE: Cuniff, Patrick F., *Environmental Noise Pollution*, 1977.

Existing Noise Sources and Levels

Transportation-related noise sources, primarily automobiles, buses, and trucks, determine ambient noise levels over the project area. The major noise source near the project site is traffic on the Warren Freeway (State Route 13); noise from traffic on Moraga Avenue and Mountain Boulevard also contributes to ambient noise levels in the project area. Other noise sources include supermarket delivery trucks, trash pickup trucks, and heating, ventilation and air conditioning (HVAC) and refrigeration units.

Noise levels were measured to more fully characterize the ambient noise environment in the project vicinity.^{4/} Each noise measurement was taken over a minimum of 10 minutes, and all measurements were taken during evening peak-hour traffic conditions. At each noise measurement location, traffic noise from State Route 13 dominated the background noise level. Along Moraga Avenue, noise levels approximately 15 feet from the roadway edge were about 72 dBA, L_{eq} . On the other side of the Lucky Supermarket parking lot (the project site), along Medau Place, noise levels 10 feet from the roadway edge were approximately 68 dBA, L_{eq} . Noise levels at the corner of La Salle Avenue and Moraga Boulevard were approximately 70 dBA, L_{eq} . At Montclair Recreation Area, adjacent to the Lucky Supermarket parking lot (the project site), noise levels 50 feet from Moraga Avenue were approximately 68 dBA, L_{eq} .

A 24-hour noise measurement was made at the Montclair Recreation Center park to evaluate the ambient noise level near the area's major noise source, State Route 13.^{5/} Nighttime noise levels were measured at 59 dBA, L_{eq} , 50 feet from Moraga Avenue and approximately 125 feet from State Route 13. Average daytime noise levels were approximately 65 dBA, L_{eq} . Morning peak hour noise was measured at 68 dBA, L_{eq} , and evening peak-hour noise was measured at 65 dBA, L_{eq} .

Noise Regulations, Plans, and Policies

The 1974 Noise Element of the City of Oakland *Comprehensive Plan* does not contain noise compatibility standards specific to the City of Oakland; rather, noise standards are qualitatively stated in the Policies and Programs chapter of the Noise Element. The Noise Element cites the acceptability ranges of exterior noise levels, by land use, recommended by the U.S. Department of Housing and Urban Development. The

IV. Environmental Setting Impacts and Mitigation Measures

Noise Element policies imply that these noise level ranges act as noise acceptability standards for the City of Oakland; however, no quantitative noise regulations exist for the City./6/ The Noise Element does state that exterior noise levels "should be restricted or eventually reduced to levels which are compatible with the types of land uses located there."

Senate Bill 860, effective January 1, 1976, revised and clarified the requirements for Noise Elements of city and county general plans, and gave the Office of Noise Control authority to issue guidelines for compliance thereto. These requirements include quantification of the community noise environment in terms of noise exposure contours for both near- and long-term levels of growth and traffic activity. The noise exposure information is then to become a guideline for use in development of the land use element to achieve noise-compatible land uses, and to provide baseline noise levels and noise source identification for local noise ordinance enforcement.

In the absence of quantitative guidelines from the City of Oakland's Noise Element, "reasonable" quantitative guidelines drawn from other sources were used for this analysis. Table 20 contains Recommended Land Use Compatibility Guidelines from the State Department of Health Services (which by regulation have to be the same as or more stringent than federal guidelines); these guidelines serve to determine the significance of project-generated noise impacts./7/

Sensitive Receptors

Some land uses are considered more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and "insulation" from noise) and the types of activities typically involved. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and parks and outdoor recreation areas are generally more sensitive to noise than are commercial and industrial land uses.

Sensitive receptors in the project vicinity include the Montclair Recreation Center adjacent to the project site, A Learning Place (after-school tutoring service for children) located about 250 feet south of the site, and the Montclair Elementary School located about 500 feet north of the site.

TABLE 20: RECOMMENDED LAND USE COMPATIBILITY GUIDELINES FOR COMMUNITY NOISE

Land Use	Community Noise Exposure (dBA) /a/			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential (single-family)	<60	55-70	70-75	>75
Residential (multi-family)	<65	60-70	70-75	>75
Motels, Hotels	<65	60-70	70-80	>80
Schools, Libraries, Churches, Hospitals	<70	60-70	70-80	>80
Auditoriums, Concert Halls		<70		>65
Sports Arenas, Outdoor Spectator Sports		<75		>70
Playgrounds	<70		67-75	>73
Golf Courses, Stables, Cemeteries	<75		70-80	>80
Office Buildings, Business Commercial and Professional	<70	67-78	>75	
Industrial, Manufacturing, Utilities, Agriculture	<75	70-80	>75	

/a/ The L_{dn} , or the day-night average noise level, accounts for the greater sensitivity of most people to nighttime noise. In areas where transportation noise sources are predominant, the L_{dn} is usually about 1 decibel less than the peak hour L_{eq} .

SOURCE: State Department of Health Services, February 1976.

IMPACTS

Community noise impacts of a project are determined on the basis of the absolute increase in noise levels due to the project and on the relationship between the changed noise environment and local land use noise-compatibility guidelines. A project would be considered to have a significant adverse impact on the environment if it would substantially increase the ambient noise levels for adjoining areas, unless the area under consideration is already noise-impacted. Traffic volumes which increase noise by 3 dBA or more are noticed by most people. An increase in ambient noise levels of 5 dBA or more is generally considered to be significant. Project-case noise levels exceeding the noise compatibility standards contained in the applicable noise element of a community are also considered to be significant. Because the *Oakland Comprehensive Plan* contains no noise compatibility standards, a project-related noise impact would be considered significant if it exceeded the State-recommended community noise levels.^{/7/}

Noise impacts from a project may result from construction activities or from operational activities. Construction noise would have a short-term effect, while operational noise, primarily from motor vehicle traffic, would continue throughout the life of the project.

Construction Noise

Construction of the project would generate relatively high noise levels on and near the construction site. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise source and receptor.

Table 21 shows typical noise levels generated during different phases of construction. Noise levels would decrease by about six dBA with each doubling of distance from a construction site (e.g., noise levels from excavation or finishing would be about 83 dBA, L_{eq} , at 100 feet from a site, and about 77 dBA, L_{eq} , at 200 feet from a site). Interior noise levels probably would be about 10 dBA (open windows) to 20 dBA (closed windows) less than exterior noise levels.^{/8/} Project construction would last 48 weeks; noise-generating construction activities would occur during most or all of the construction period.

The project would require pile driving during the early phases of construction. Pile driving would occur intermittently over one to two weeks, for five to seven hours per

day. Conventional unmuffled and unshielded pile drivers emit typical peak noise levels of 101 dBA at a distance of 50 feet and 95 dBA at a distance of 100 feet each time the driver strikes the pile. Vibration from the impact during pile driving would be felt in nearby buildings. These vibrations have been found to be more disturbing to some people than high noise levels. The City may require shielded, relatively quiet equipment, pre-drilling of pile holes, and limited hours of operation to reduce the number of people exposed to noise effects.

Maximum noise levels during pile driving would be up to about 89 dBA, L_{eq} , in the baseball outfield at Montclair Recreation Center, 200 feet from the property line. At shops adjacent to the site, as close as 50 feet away, the maximum interior noise level during pile driving, each time the driver strikes a pile, would be about 91 dBA, L_{eq} , with windows or doors open, and about 81 dBA, L_{eq} , with windows and doors closed. At Montclair Elementary School, the maximum interior noise level during pile driving would be about 60 dBA, L_{eq} , with windows open, and about 50 dBA, L_{eq} , with windows closed. At A Learning Place, the maximum interior noise level during pile driving would be about 76 dBA, L_{eq} , with windows open and about 66 dBA, L_{eq} , with windows closed. Noise and vibration from pile driving would be intermittent in nature and of short duration (two weeks or less), but could nevertheless cause annoyance to nearby shopkeepers and customers. Because pile driving activity would occur for five to seven hours per day for one or two weeks, this would not be considered an unavoidable, significant impact of the project.

TABLE 21: TYPICAL CONSTRUCTION NOISE LEVELS, L_{eq}

<u>Construction Phase</u>	<u>Noise Level (dBA) /a/</u>
Pile Driving	101
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Finishing	89

/a/ Average noise levels 50 feet from the noisiest source and 200 feet from the rest of the equipment associated with a given construction phase.

SOURCE: Bolt, Beranek, and Newman, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, 1971, prepared for U.S. Environmental Protection Agency.

Noise levels greater than 60 dBA can interfere with normal speech and concentration. Noise levels greater than 70 dBA would require workers to close windows or shout to communicate. General stress reaction has been observed in humans exposed to brief sounds of 75 dBA./9/ At noise levels of 85 dBA, normal conservation is extremely difficult, and sleep or rest virtually impossible. Intermittent noises, such as pile driving noise, have a psychological effect on humans: they reduce perception of control over the environment. This perceived loss of control frequently results in a depressed mood and depressed motivation. High noise levels also can lead to physiological effects, such as elevated blood pressure./10/ Repeated impulse and intermittent sounds of high level appear more likely to be disruptive than continuous or steady sounds of comparable level./11/

The U.S. Department of Health, and Human Services (HHS) has suggested maximum non-occupational noise exposure criteria in order to avoid hearing damage or loss. For a sound level of 90 dBA, L_{eq} , the maximum recommended daily exposure time is one hour; for a sound level of 77 dBA, L_{eq} , the maximum daily exposure time is about six hours; for a sound level of 70 dBA, L_{eq} , the maximum daily exposure time is 16-24 hours./12/

Construction noise from construction activities other than pile driving would be audible to people on the site, at the Montclair Recreation Center, and at stores adjacent to the project site. During some phases of construction activity, people in the Lucky Supermarket parking lot would be subjected to noise levels reaching 89 dBA, L_{eq} . The HHS eight-hour exposure limit for noise levels of 89 dBA is approximately one hour; the exposure time for customers in the parking lot would probably be less than 15 minutes, which would be less than the one-hour threshold recommended by HHS./13/ If there were parking lot attendant, s/he would be exposed to these noise levels for more than one hour. Employee working conditions, however, are subject to OSHA standards, which are less stringent than HHS standards, but are designed to protect employees' health.

At the Montclair Recreation Center, maximum noise levels during construction activities other than pile driving would be about 77 dBA, L_{eq} , 200 feet from the property line, in the baseball outfield, and approximately 71 dBA, L_{eq} , 400 feet from the property line, next to the baseball backstop. HHS-recommended eight-hour thresholds for noise levels of 77 dBA and 71 dBA are approximately six hours and 16-24 hours, respectively. Noise exposure duration at the park would be less than the

HHS recommended eight-hour thresholds. Exterior noise levels at the Montclair Elementary School would be less than noise levels at the Montclair Recreation Center, and thus would be less than HHS thresholds.

Interior noise levels at shops adjacent to the project site (with windows and doors closed) would be about 69 dBA, L_{eq} , during the loudest construction activities other than pile driving. A noise level of 69 dBA, L_{eq} , would represent a noticeable increase over existing noise levels, but it would be well below the HHS threshold for an eight-hour exposure period. A Learning Place is farther from the construction site than the retail shops, and is buffered from the construction site by several buildings. Thus noise at A Learning Place would also be below HHS thresholds.

Based on the potential for construction noise to expose sensitive receptors to noise levels less than noise level thresholds recommended by the Department of Health and Human Services, construction-generated noise would have a less-than-significant impact.

Operational Noise

Over the long term, the project would affect ambient noise levels by increasing traffic volumes on residential streets in the neighborhood. Other operational noise impacts could stem from delivery truck and trash pick-up operations, and from the operation of heating, ventilation, and air conditioning (HVAC) units.

Calculated existing and future traffic-generated noise levels for selected roadways in the project vicinity are shown in Table 22. Traffic noise levels would decrease by about three dBA with each doubling of distance from the roadway. Noise levels estimated in Table 22 are for motor vehicle noise only, and do not include other adjacent noise sources, such as auto horns, aircraft overflights, stationary noise sources, or other local roadways.

As shown in the Table 22, project-generated traffic would not noticeably increase roadway noise levels. Future base noise levels represent future noise levels in the absence of the project, but in the presence of other anticipated urban growth; future project noise levels represent anticipated noise levels with contributions from project traffic and from other anticipated urban growth. Traffic-generated noise levels are

TABLE 22: ESTIMATED PEAK-HOUR TRAFFIC-GENERATED NOISE LEVELS IN THE PROJECT AREA, L_{eq}

<u>Location</u>	<u>Noise Level (dBA) /a/</u>		
	<u>Existing</u>	<u>Future Base</u>	<u>Future + Project</u>
Moraga Ave. between Medau Pl. and Thornhill Dr.	66	66	66
Mountain Blvd. between Medau Pl. and Thornhill Dr.	61	62	62
La Salle Ave. between Mountain Blvd. and Moraga Ave.	59	60	60
Medau Pl. between Mountain Blvd. and Moraga Ave.	56	56	56
Thornhill Dr. between Mountain Blvd. and Moraga Ave.	61	61	61

/a/ Average noise levels calculated using traffic volumes contained in the traffic analysis and U.S. Department of Transportation, *FHWA Highway Traffic Noise Prediction Model FHWA-RD-77-108*, December 1978. All noise levels were calculated at 15 meters from the roadway center.

SOURCE: Environmental Science Associates, Inc., August 1991.

expected to increase due to urban growth in the project area, but the project's contribution to those future noise levels would not be perceptible (less than 3 dBA). Noise from project-generated traffic would be a less-than-significant impact.

The project would include two HVAC units, located on the southwestern and southeastern corners of the supermarket roof; these units would produce an estimated steady state noise level of up to 66 dBA, L_{eq} , 50 feet from the noise source, based on generic noise emission factors for heating and ventilating equipment./14, 15/ Noise level measurements at the park, 50 feet from the edge of Moraga Avenue, indicate that existing noise levels at the anticipated HVAC units' locations are approximately 68 dBA, L_{eq} ; additional noise from the HVAC units would not noticeably alter ambient noise levels. This would be a less-than-significant impact of project operation.

Product delivery and garbage pick-up at the project site would be adjacent to two major noise sources, Moraga Avenue and State Route 13. Delivery and garbage pick-up trucks entering and exiting the delivery area would not cause a noticeable increase in noise levels on the project site. Noise generated by operation of these trucks would be a less-than-significant impact of project operation.

MITIGATION MEASURES

No significant impacts were identified. However, the following measures would further reduce less-than-significant impacts:

- The construction contractor should limit construction activities to the period between 8:00 a.m. and 5:00 p.m., Monday through Friday, to avoid the most noise-sensitive times for nearby sensitive receptors. The City, at its discretion, could require that certain construction activities, including pile driving, be scheduled at other times to result in the least disturbance to nearby uses. For example, pile driving could be limited to hours when classes are not in session at Montclair Elementary School.
- The City should require the contractor to muffle and shield intakes and exhausts, shroud or shield impact tools, and use electric-powered rather than gasoline- or diesel-powered construction equipment.
- The City should require the contractor to use shielded pile driving equipment, and to pre-drill pile holes where feasible, to reduce the noise and vibration generated by pile driving.

NOTES - Noise

- /1/ L_{eq} , the energy equivalent noise level, is the equivalent steady-state sound level which, in a stated period, would contain the same acoustical energy as the actual time-varying sound level measured during the same period.
- /2/ L_{dn} , the day-night average noise level, is based on human reaction to cumulative noise exposure over a 24-hour period. Noise between 10:00 p.m. and 7:00 a.m. is weighted by 10 dBA to take into account the greater annoyance of nighttime noises.
- /3/ A decibel (dB) is a logarithmic unit of sound energy intensity. Sound waves exert a sound pressure level (commonly called "sound level"), measured in decibels. A "dBA" is a decibel adjusted for the variation in frequency response of the typical human ear at commonly encountered noise levels.
- /4/ Noise was measured by ESA staff on February 6, 1991, using a Metrosonics dB-308 Metrologger, calibrated before and after the noise measurements.
- /5/ Daytime noise levels evaluated for hours 7:00 a.m. through 10:00 p.m. Nighttime noise levels evaluated for hours 10:00 p.m. through 7:00 a.m.

IV. Environmental Setting Impacts and Mitigation Measures

- /6/ Ehrhardt, Frank, Senior Planner, City of Oakland Planning Department, telephone conversation, October 17, 1990.
- /7/ California Department of Health, Office of Noise Control, California State Guidelines for Land Use Compatibility for Community Noise Environments, contained in *Guidelines for Preparing Noise Elements*, February 1976.
- /8/ Cornett, C. Lawrence, and Charles E. Hina, *Methods for Predicting Noise and Vibration Impacts*, Department of Transportation, Transportation Systems Center, 1979.
- /9/ The Central for the Deaf, *Effects of Noise on People*, U.S. EPA, 1971.
- /10/ Cohen, Sheldon et al., "Cardiovascular and Behavioral Effects of Community Noise," *American Scientist*, Volume 69, October 1981.
- /11/ National Institute for Occupational Safety and Health, U.S. Department of Health, Education and Welfare. *Occupational Exposure to Noise*, 1972.
- /12/ Cohen, A., et. al., "Sociocusis--Hearing Loss from Non-Occupational Noise Exposure," *Sound and Vibration* 4 (11) 12-20, November 1970, in Cornett, C. and Hina, C., *Methods for Predicting Noise and Vibration Impacts*, January 31, 1979.
- /13/ People in the parking lot would be exposed to noise generated by construction activities only for as long as they remain in the parking lot. A 15 minute exposure duration is conservatively based on an estimated 5 minutes spent entering the existing Lucky's Supermarket, and 10 minutes spent exiting the existing Lucky's Supermarket.
- /14/ Bolt, Beranek, and Newman, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, 1971, prepared for U.S. Environmental Protection Agency.
- /15/ Steady-state noise is noise that fluctuates less than six dBA. Steady-state noise is usually generated by equipment such as air conditioning units, refrigeration units, and electric fans.

G. ENERGY

SETTING

Electric and Gas Service

Pacific Gas and Electric Company (PG&E) provides electric and natural gas service to the project site. The electrical sub-station serving the project site is located about one mile away, near the State Route 24 / State Route 13 exchange. The existing distribution system sufficiently meets the service area's current electric demands./1/

Existing Energy Consumption

The project site is used as a surface parking lot for the existing Lucky Supermarket. Current electricity and natural gas consumption of the existing Lucky Supermarket are shown in Table 23./2/

Energy Efficiency Standards and Local Energy Policies

Energy consumption of new buildings in California is regulated by the State Building Energy Efficiency Standards, embodied in Title 24 of the California Code of Regulations./3/ The efficiency standards apply to new construction of both residential and non-residential buildings, and regulate energy consumed for space heating, cooling, ventilating, water heating, and lighting.

Compliance with Title 24 can be achieved through either a "performance" or a "prescriptive" approach. In the performance compliance approach, a building must be designed to consume no more energy than specified in the appropriate energy "budget." The energy budget is based on building type and size, and the climatic zone in which it is located. In the prescriptive compliance approach, a building must comply with design requirements that have been determined to achieve building designs that meet the applicable energy budgets. In that approach, the builder can choose from a variety of alternative component packages that specify features such as insulation, glazing, lighting, shading, and water- and space- heating systems. There are also certain mandatory requirements that must be fulfilled under both compliance approaches.

TABLE 23: ANNUAL PROJECT ENERGY CONSUMPTION

	Annual Energy Use (billion Btu)		
	Existing (1991)	Future Base (1993)	Future Project (1993)
Electricity	5.1	5.1	5.4
Natural Gas	1.3	1.3	1.4
Vehicular Fuel/a/	<u>21</u>	<u>19</u>	<u>29</u>
TOTAL/b/	27	25	36

NOTES:

- /a/ Vehicular fuel includes both gasoline and diesel fuel. Energy calculations assume an average trip length of 2.0 miles, generic energy consumption factors provided by PG&E, energy consumption data from the existing Lucky's Supermarket, and trip generation data contained in the traffic section.
- /b/ Totals do not add due to rounding.

SOURCE: Environmental Science Associates, Inc., August 1991.

The *Oakland Policy Plan* contains the City's goal of promoting land use patterns and travel modes that help reduce energy consumption./4/ A policy for attaining this goal is as follows:

- "To relieve the almost total dependency on automotive transportation within urbanized areas of the region, the City actively encourages the development of a comprehensive and totally integrated system of mass transit as well as other alternatives." (Policy 2 for Air, Energy, and Solid Waste Resources)

IMPACTS

A project would be considered to have a significant adverse impact if it would encourage activities that resulted in the use of relatively large amounts of fuel or energy; or would use fuel or energy in a wasteful manner. A project also would be considered to have a significant adverse effect if it would require either a major expansion of generation, transmission, or distribution facilities to serve it, or a minor expansion of such facilities that adversely affected a sensitive environmental resource.

Construction

Construction would require both direct and indirect expenditures of energy. Energy consumed by an activity, such as the refined petroleum products used as fuel for construction equipment, would be a direct energy expenditure. Energy embodied in manufactured materials used in construction, or consumed by economic sectors that provide inputs to an activity, are indirect energy expenditures. For example, the use of a steel beam in construction indirectly represents energy consumed in all of the industries that contributed to the production of the beam (e.g., energy consumed through mining and extraction of raw materials, manufacturing, and transportation). Indirect energy typically represents about three-quarters of total construction energy, while direct energy represents about one-quarter of total construction energy.^{/5/} Construction-related energy impacts would be less-than-significant.

Operation

The project would include a heat-reclamation system as part of the supermarket building design. Heat is a by-product of the supermarket's refrigeration units; a heat-reclamation system would capture this heat and circulate it through the building in order to provide space heating.

Natural gas consumption at the project site would be about 1.2 million cubic feet per year, or 1.4 billion British thermal units per year (Btu/year).^{/6,7,8/} Electrical consumption would be about 1.6 million kilowatt-hours per year, equivalent to 5.4 billion Btu/year.^{/8/} PG&E could meet this additional energy demand. No system expansion would be required in order to provide services necessary for project operation.^{/1/}

Fuel consumption by project-generated motor vehicle traffic would be approximately 62,200 gallons per year, or about 8.7 billion Btu/year.^{/9/}

Overall, project operation would require a total of 36 billion Btu annually, equivalent to approximately 6,170 barrels of oil per year. This would represent a 8.4 billion Btu/year (31%) increase over existing energy consumption, and a 10.4 billion Btu/year (45%) increase over the no-project case (future base case) energy consumption. This increase would be a less-than-significant impact on available energy resources.

MITIGATION MEASURES

Although no significant impacts were identified, the following measures could be implemented to reduce this less-than-significant effect:

- The City could require that the project sponsor install high-efficiency lamps for all parking lot lighting.
- The project sponsor could design open space and landscaped areas around the project site to minimize paved areas. This would help decrease outdoor temperatures around the building, reducing the cooling load in warm weather.

NOTES - Energy

- /1/ Sloane, Dave, New Business Representative, Pacific Gas & Electric, telephone conversation, February 15, 1991.
- /2/ Watt, James A., Vice President, Lucky Stores, Inc., written correspondence, February 8, 1991.
- /3/ *California Code of Regulations*, Title 24, Chapter 2-53 (State Building Energy Efficiency Standards). In the *California Code of Regulations*, Title 20, Chapter 2, Subchapter 4, Article 1 (Enforcement of Title 24 standards).
- /4/ City of Oakland, *Oakland Policy Plan*, September 1980.
- /5/ Hannon, B., et al, "Energy and Labor in the Construction Section," *Science*, 202:837-847, 1978.
- /6/ British thermal units (Btu) are units of thermal energy. One Btu is the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit at sea level. The term "at-source" means that adjustments have been made in the calculation of the Btu energy equivalent to account for losses in energy that occur during generation and transmission of the various forms of energy, as specific in: Energy Resource conservation and Development Commission, 1977, *Energy Conservation design Manual for New Nonresidential Buildings*, Energy Resources Conservation and Development Commission, Sacramento, CA; and Apostolos, J. A., W. R. Shoemaker, and E. C. Shirley, 1978, *Energy and Transportation*, Sacramento, CA (Project 20-7, Task 8).
- /7/ Energy conversion factors (all factors given represent at-source values): 1 kWh = 10, 239 Btu; 1 gallon of gasoline = 140,000 Btu; 1 barrel of crude oil = 5,800,000 Btu.
- /8/ PG&E, Revised ER Forecast for Demand of Electricity, Forms 2.2 A and 2.2 E, Grocery.
- /9/ Transportation-related energy use is based on daily trip and mileage factors contained in Bay Area Quality Management District's *Guidelines for Assessing Impacts of Projects and Plans* (1985). Average fuel economy factors are 21.7 miles per gallon for 1991 and 22.7 miles per gallon for 1993. These factors are from California Department of Transportation's *California Motor Vehicle Stock, Travel and Fuel Forecast* (1988).

H. BIOLOGY

SETTING

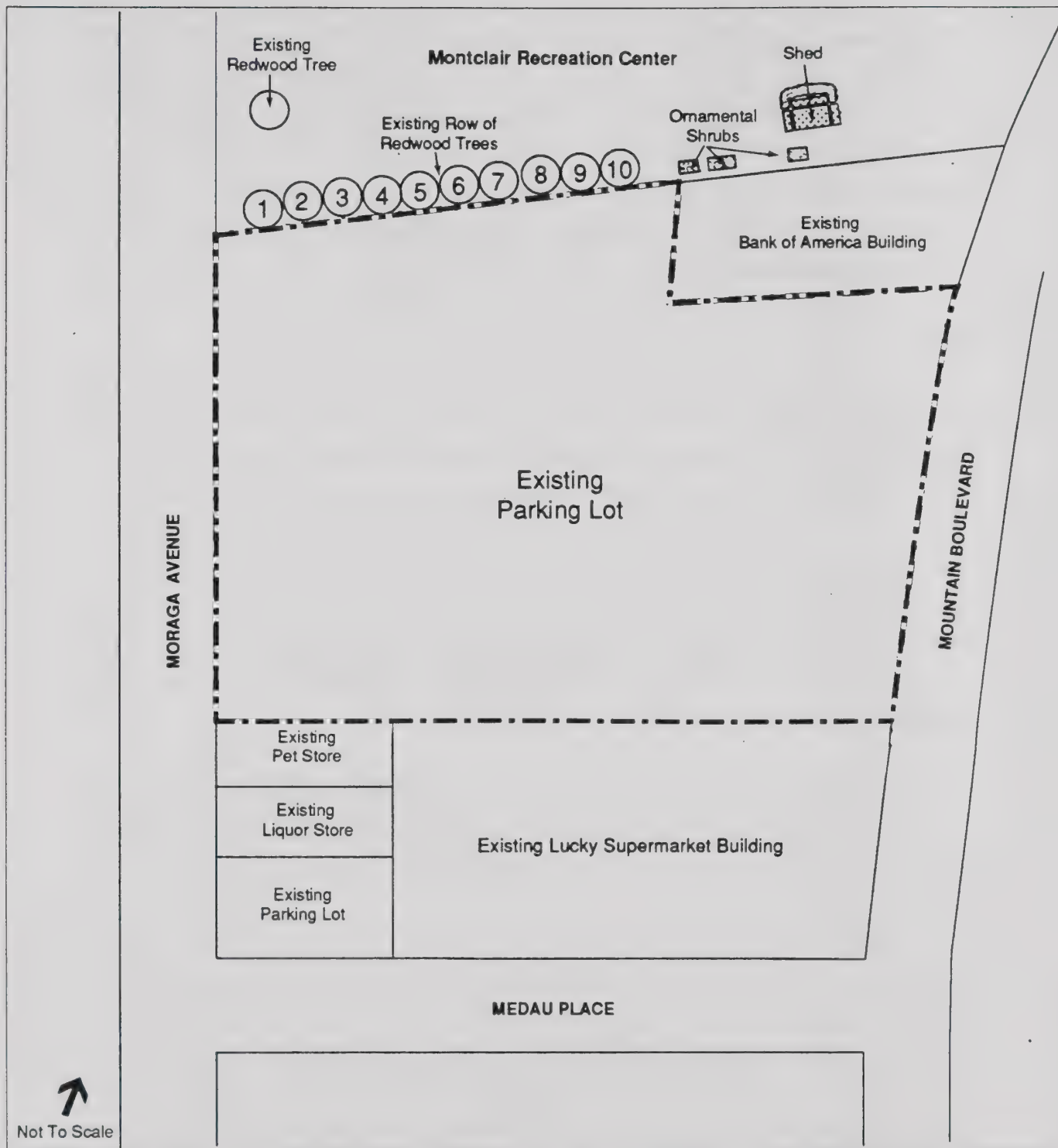
The project site is completely covered with asphalt and is situated between the existing Lucky Supermarket to the southeast, Montclair Recreation Center to the north, Moraga Road to the southwest and Mountain Boulevard to the northeast within the City of Oakland. The project site is presently used as a parking lot for the stores and businesses in the immediate vicinity.

Ornamental plant species such as pyracantha and English ivy found on the adjacent park (Montclair Recreation Center) property are commonly used in urban landscaping. Ten mature redwood trees (*Sequoia sempervirens*) are located along the eastern border of the park's manicured grass playing field (see Figure 27). The trees form a visual screen between the park and the proposed project site (see Figure 22). The trees are located within the park property, approximately four to five feet north of the property line defined by a fence. The foundation and basement level of the proposed structure would be set back 10 feet from the property line, approximately 14 to 15 feet from the base of the trees. The upper levels of the proposed structure would be cantilevered to the property line, about four to five feet from the trees trunks.

The condition of the 10 redwood trees on the project site was assessed by a certified arborist (see Appendix D). The report concluded that the redwoods all seemed to be obtaining adequate water and none of them exhibited any sign of life-threatening stress or disease. Foliage appeared to be vital and reflective of good health and the soil grade level abutting the base of the trees had been left in its natural condition.

However, the appearance of the trees varies widely. Some exhibit more of the classic appearance of the redwood, while others have a less even distribution of foliage. One tree has a double trunk and two others have been topped, one relatively severely. The arborist's report determined that the trees range in diameter from about 23 inches to about 44 inches, and range in height from approximately 27 to 84 feet.

California Temperate Pacific landscapes provide an ideal habitat for redwood trees. They are relatively pest and disease resistant in the San Francisco Bay Area climate. Redwoods reach heights up to about 340 feet and prefer a rich loamy soil for maximum development./1/



Ornamental Shrub



Ivy



Project Site Boundary

SOURCE: Environmental Science Associates, Inc., August 1991.

Montclair Lucky's Supermarket / 91021B ■

Figure 27
Existing Project
Site / Park Boundary Vegetation

While redwood trees receive no state or federal protection, they are protected under the City's tree ordinance (Article 6, Section 7-6.01 through Section 7-6.16 of the Oakland Municipal Code; see Appendix D).^{2/} The ordinance states that any coast live oak measuring four inches in diameter at breast height or larger, and any other tree, except eucalyptus, measuring nine inches in diameter at breast height or larger is a protected tree, requiring a tree removal permit application to be filed with and accepted by the Oakland Office of Public Works, prior to its removal.

IMPACT

There are no threatened or endangered plant or animal species located on the proposed project site. In the adjacent park, non-native ornamental vegetation and native redwood trees were likely planted when the park was established.

The project sponsor proposes to preserve the 10 redwood trees at the southern edge of the adjacent park by constructing the basement level 10 feet from the northern property line so that the roots of the trees would not be damaged during construction. The redwoods would be trimmed adjacent to the structure to allow for the construction of the proposed upper levels of the supermarket structure.

Redwoods generally have shallow growing thick fibrous root systems and favor acidic soils. Root systems generally extend out to the dripline of the plant. The root systems of the 10 trees would not be substantially affected by the proposed project.

The proposed project would be situated directly south of the redwoods. Shading of these trees would be more complete in the winter months when the sun's angle is lower than at other seasons. The trees vary in height and therefore would be affected to varying degrees. Redwoods are shade tolerant trees and can survive in moderately shaded areas. However, the increased shade may substantially affect the shorter trees that have none, or only a small portion of their canopy above the proposed structure. Half of these trees would be pruned to allow construction and heavily shaded portions of the trees may die off, from lack of exposure to light. Though increased shade is anticipated to result in a reduction of tree canopy complexity and form, it is not expected to cause tree mortality.

Moderate trimming of the trees adjacent to the structure alone would not adversely affect the redwoods. Trimming would reduce the stress of minor root removal which

may be caused by foundation construction. A reduced root system may reduce the amount of water and nutrient uptake by the plant. Moderate tree trimming would reduce the tree's need for water and nutrients.

If a tree were to die within five years of project completion, the project sponsor must pay the City the value of the tree(s), as determined in the tree valuation. See Table 24 for the monetary value of the redwood trees. Compensation for a dead tree would compensate the City for replacement costs./3/

The project sponsor proposes to plant trees and shrubs on the Moraga Avenue and Mountain Boulevard sides of the new supermarket. In addition, trees and shrubs would be planted in the regraded surface-level parking lot (see Figures 24 and 25). The sponsor has not proposed a specific landscaping program detailing species of vegetation to be planted.

TABLE 24: MONETARY VALUE OF REDWOOD TREES IN MONTCLAIR RECREATION CENTER

<u>TREE NUMBER</u>	<u>VALUE</u>
1	\$12,514
2	16,235
3	12,126
4	4,472
5	5,116
6	5,403
7	11,283
8	1,212
9	6,116
10	<u>13,163</u>
TOTAL	\$87,640

SOURCE: Dennis Yniguez, Arborist, Tree Care, 1990

MITIGATION

Identified in this Report

- The construction contractor, during construction, and the project sponsor, when the project is complete, should minimize human traffic and equipment use within and the dripline area of the adjacent redwood trees to reduce soil compaction and damage to the trees. Irrigate and fertilize the trees as needed. Monitor the remaining trees for five years, and if any die within that time period (or show signs of serious decline in vigor) compensate the City according to the value of the tree determined by the arborist's report. A written agreement between Lucky Stores and the Office of Parks and Recreation concerning replacement of dead or severely damaged trees should be formalized before any construction-related activities proceed on-site.
- The City, as a condition of project approval, should require the project sponsor to present an approved landscaping program that would specify the species and quantity of trees, shrubbery, and ground cover to be planted. The landscaping program should include a written commitment from the project sponsor to maintain, and replace where necessary, all plantings.
- The project sponsor should incorporate appropriate California native species in the landscaping program. These plants provide food for regional wildlife, and nesting and resting areas for common bird species. Additionally, these species have relatively low water and maintenance requirements because they have adapted to the climate of the Oakland region. The California Native Plant Society has set forth the following general principles for revegetation and landscaping that could be followed by the project sponsor:
 - Trees, shrubs, and other herbaceous plants should be used which are indigenous to the project site.
 - If non-indigenous plants are desired for the purpose of form, floral characteristics, or function (e.g., ground covers), species selected should be those which are unlikely to hybridize with local flora, in order to preserve the integrity of the gene pool of the local native species.
 - The use of aggressive, exotic plant species should be avoided. Where aggressive exotics could threaten native flora, this fact should be made of record. The use or proliferation of invasive species such as french broom and pampass grass should be discouraged.

NOTES: Biology

- /1/ Yniguez, Dennis, Arborist, Tree Care, *Valuation of Ten Redwood Trees in Montclair Park*, June 19, 1990.
- /2/ *Oakland Municipal Code*, City of Oakland, Article 6, Trees, September 7, 1976.
- /3/ Williams, Cleve, Assistant Director, Oakland Office of Parks and Recreation, memo to Michelle Hightower, Department of City Planning, September 23, 1991.

V. UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

Following is a summary of significant adverse environmental effects of the proposed project that cannot be mitigated to less than significant level.

AIR QUALITY (pp. 120 to 134)

During project operation, traffic generated by the project would have an adverse impact on local air quality by increasing CO concentrations at intersections in the project vicinity. These CO air quality impacts could be reduced, but probably not to a level of insignificance.

VI. CUMULATIVE EFFECTS

Development of the proposed project on the site would contribute incrementally to impacts resulting from on-going new development in the area. In particular, the proposed project would add about 34,050 gross sq. ft. of commercial supermarket space and three net new off-street parking spaces to the project site. The proposed development would increase the intensity of the urban uses at the project site, compared to the existing office, retail, parking, recreational, and residential uses adjacent to the project site.

In conjunction with other new ongoing development in the site vicinity, the project would add new employee population to the site vicinity. The project would add cumulatively to the visibility of the project site area from both long-range and short-range viewpoints. The addition of daily trips and p.m. peak hour trips to local streets and intersections resulting from traffic generated by operation of the project, would add to the cumulative increase in traffic on certain area streets and intersections. Related increases in the emission of total organic gases, carbon monoxide, and nitrogen oxides would add locally to cumulative increases in vehicular emissions. Project construction activities would add incrementally to local PM₁₀ emissions. The increase in the ambient noise levels on some street segments in the immediate site vicinity, resulting from traffic generated by operation of the proposed project, would add to the cumulative increase in noise levels in the area surrounding the site.

Operation of the project would add cumulatively to demand for water supply and energy resources. Generation of wastewater and solid waste from project operation would also add to cumulative increases in demand for collection, treatment and disposal services for these wastes.

VII. GROWTH INDUCING IMPACTS

The proposed project would add additional retail commercial activities to the project site and would construct a total of 178 off-street parking spaces to the site, after removing 175 off-street parking spaces now on the site and five adjacent on-street spaces. Development of the proposed project could induce property owners in the site vicinity to redevelop existing low-density commercial uses with higher-density commercial uses. This would be particularly likely to occur on parcels along Medau Place and Mountain Boulevard, and could occur elsewhere in Montclair Village, including Moraga Avenue.

The project would add about 20 new employees who would have an insignificant impact on demands for new housing, City services, and on retail goods and services in the project area. It is expected that 46 full-time employees would be newly employed at the vacated Lucky Supermarket. A net increase in employment in Montclair Village could incrementally, but not significantly, increase the demand for retail goods and services in the area. The project would intensify this demand by increasing the amount of employment on the site, thereby increasing demand for goods and services in the vicinity.

The project would be built in a developed urban area, and no expansion to the municipal infrastructure not already under consideration would be required to accommodate new development and increased employment due to, or induced by, the project.

VIII. ALTERNATIVES

A. NO-PROJECT ALTERNATIVE

DESCRIPTION

The No-Project Alternative would entail no changes to the project site and the continued use of the existing Lucky Supermarket. The new Lucky Supermarket with its basement and roof parking would not be developed on the site. Conditional use and encroachment permits would not be required. This alternative would not preclude other future development of the site.

IMPACTS

The environmental impacts resulting from development and operation of the proposed project, described in the environmental impact sections of this document, would not occur at the site and vicinity.

Existing environmental conditions would remain essentially as described in the environmental setting sections of this report. If the proposed project were not built and the existing Lucky Supermarket continued to operate, the seismic risk to customers and employees would be similar to the risk currently faced by people on the site.

Under the No-Project Alternative, modernization and expansion of the Lucky Supermarket which serves the Montclair area would not occur. If the new store were not to be built as proposed, there would be continued impaired efficiency in the operation of the existing store, according to the project sponsor.

B. ALTERNATIVE SITES

There is no feasible alternative site (approximately 60,000 sq. ft.) in the already built-out commercial district of Montclair Village. Construction of the project at an alternative site would negate the objective of the project, which is to provide a more efficient and modern Lucky Supermarket to serve the Montclair area. Furthermore, an agreement to lease the site for the proposed Lucky store has already been established.

C. REDUCED SCALE ALTERNATIVE

DESCRIPTION

This alternative would consist of constructing a new supermarket of approximately the same size as the existing 22,000 sq. ft. Lucky Supermarket (16,000 sq. ft. main floor market) and eliminating the roof and basement parking levels proposed as part of the project. The new supermarket would be located on the southwestern portion of the existing surface parking lot and would eliminate approximately 40 existing surface level parking spaces. This alternative would allow direct surface level access between Moraga Avenue and Mountain Boulevard through the northern portion of the project site.

IMPACTS

Under this alternative, direct project trip generation and traffic impacts would be less than under the proposed project. Overall trip generation and traffic impacts in Montclair Village would increase from present conditions due to the addition of retail space, assuming reoccupancy of the existing Lucky store; the increase would be about 65 percent of the increase under the project. This alternative would displace fewer surface parking spaces than would the project, but would provide no additional basement or rooftop parking. About 135 parking spaces would be provided. Parking demand for the new supermarket could be marginally greater than demand at the existing store because, although the new store would be the same size, it would feature improved design. Assuming a five percent increase in Lucky Supermarket parking demand, and making the same assumptions about reoccupancy of the existing Lucky Supermarket store and the former Freeway Variety store, shopping center parking demand under this alternative would be about 223 spaces at the weekday peak and about 231 spaces at the Saturday peak, about 49 spaces fewer than under the project. Because this alternative would provide 135 parking spaces, or 43 spaces fewer than under the project, the number of unaccommodated vehicles would be 114 and 118 at weekday and Saturday peak parking demand, respectively, or six fewer than under the project. Shoppers unable to find parking at the Lucky Supermarket site probably would seek parking elsewhere in the Montclair Village commercial district. The loss of parking during construction probably would not be as great as under the project.

This alternative would reduce the height and size of the structure and consequently reduce the visual impacts of the project on the site vicinity. There would be no light or glare impacts associated with rooftop parking. Construction noise impacts would be slightly less than with the project due to a shorter construction period, but the absolute construction noise level would remain the same. Operational air quality and noise impacts would increase in the surrounding area, compared to existing conditions, but to a lesser degree than under the project; CO impacts would continue to be significant, assuming reoccupancy of the existing Lucky Supermarket building. Other environmental impacts discussed in the environmental impacts sections of this document would remain approximately the same with this alternative as with the proposed project, including decreased seismic risk to Lucky Supermarket employees and customers, although the seismic risk at the existing Lucky store would be approximately the same as at present if the building were occupied by other retail use(s). The reduced scale project might not provide sufficient parking for the project on the site. The reduction in the size of the project structure would, in the opinion of the project sponsor, not be as economically feasible as the proposed project.

D. ALTERNATIVE DESIGN

DESCRIPTION

This alternative would consist of eliminating the roof level parking proposed as part of the project and instead constructing two basement parking levels. This alternative would contain the same size supermarket as the proposed project. The second level of basement parking would contain approximately 70 parking spaces, eight spaces less than the number of spaces proposed for the roof level parking area. Project parking areas would still include enough parking stalls to meet the minimum total of 170 parking stalls calculated in this EIR for the project.

IMPACTS

Installing a second basement parking level and eliminating the roof level parking area would allow the project, under this alternative, to contain a similar number of parking spaces as the proposed project. Therefore, this alternative would have similar traffic and parking impacts as the proposed project; the number of unaccommodated vehicles would be about eight greater at peak parking demand than under the project. This alternative would reduce the height of the structure and consequently reduce the visual

impacts of the project on the site vicinity. There would be no light and glare impacts from rooftop parking. Other environmental impacts discussed in the environmental impacts sections of this document would remain approximately the same with this alternative as with the proposed project. Operational air quality would be significant, unavoidable impact. Substituting a second basement parking level for a roof level parking area would, in the opinion of the project sponsor, be prohibitively expensive.

E. MITIGATED ALTERNATIVE

DESCRIPTION

This alternative would consist of the project sponsor's proposal with the addition of the following mitigation measures identified in this report:

off-site parking and shuttle service to the site for project construction workers; restricting construction traffic to non-peak hours; sponsor contribution to maintenance and repair of streets damaged by construction truck traffic; validated parking at the Montclair garage for shopping center patrons, including Lucky Supermarket shoppers, during project construction; encouraging business owners in the shopping center to validate parking at the Montclair garage once the new Lucky Supermarket has been constructed; signalization, adjusting signal phasing, changing turn lane patterns, and/or other intersection improvements at Moraga Avenue / Thornhill Drive, Mountain Boulevard / Thornhill Drive, Moraga Avenue / Medau Place, Moraga Avenue / LaSalle Avenue, Moraga Avenue / Mountain Boulevard, and the intersections of the shopping center driveway with Mountain Boulevard and Moraga Avenue; increasing the number of handicapped parking spaces proposed; reduction of parking demand through transportation demand management strategies such as home delivery of groceries and promotion of employee transit use;

a 20-foot setback of the proposed Lucky Supermarket from the fault shear zone identified in the project sponsor's geotechnical report; proper storage and re-use, where possible, of excavated materials; dewatering during excavation; shoring of excavation; review of grading plans and supervision of grading, compaction and backfilling by a certified engineering geologist or registered geotechnical engineer; supervision of excavation by a licensed geologist; compliance with all

recommendations, including the above, in the project sponsor's geotechnical report; review of design plans by a state-licensed structural engineer and adherence by such plans to relevant building codes; seismic design forces increased to 1.5 times current building code requirements; continuous monitoring of construction by a licensed structural engineer; design of the building structure and foundation to account for displacement and differential movement in an earthquake; delineation of the adjacent fault shear zone by a licensed surveyor prior to construction; special consideration given to the design of the ramp to the rooftop parking; store shelving that could include slopes and "fences" to prevent falling of merchandise in an earthquake; creation of an emergency operations plan for the proposed new Lucky Supermarket;

controlling off-site spillover of parking lot lighting; shielding auto headlights on the rooftop parking area; including visual variation in the Moraga Avenue building facade to reduce apparent building mass; planting of vegetation around the project;

including dust abatement in the construction program; maintenance of construction equipment to minimize emissions; encouragement of transit use through enhancement of AC Transit stops;

limiting the hours of construction; muffling of construction equipment; shielding of pile drivers and pre-drilling of pile holes, where possible;

using high-efficiency lighting; encouraging landscaping;

minimizing soil compaction around the existing redwood trees and replacement of dead or damaged trees; and implementation of a City-approved landscaping program incorporating native plants.

Incorporation of the above mitigation measures would reduce project impacts, but would not eliminate significant carbon monoxide impacts.

IX. EIR AUTHORS AND CONSULTANTS; PERSONS AND ORGANIZATIONS CONSULTED

EIR AUTHORS

City of Oakland, City Planning Department
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Environmental Review Coordinator: Charles S. Bryant
Environmental Planners: Michelle Hightower
Gwen Alie

EIR CONSULTANTS

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Matthew Russell

PROJECT SPONSOR

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Northern California Division
Vice President: James A. Watt

PROJECT ARCHITECT

Leidenfrost/Horowitz & Associates
Project Manager: Andy Quarress

PERSONS AND ORGANIZATIONS CONSULTED

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IX. EIR Authors and Consultants; Persons and Organizations Consulted

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Dario Levaggi, Director of Technical Division

METROPOLITAN TRANSPORTATION COMMISSION

Ron West, Transportation Planner

PACIFIC GAS AND ELECTRIC

Dave Sloane, New Business Representative

LUCKY STORES, INC.

Paul Farro, Manager, Montclair Lucky Store
Jeff Guth, Design and Construction
Ron Hughes, Merchandise Manager, Service Bakery

OTHER PERSONS CONSULTED

Patti Evans, Property Manager, Sturtevant Enterprises
William Glass, Principal, William Glass and Associates, Architects
Liz Silverman, Director, Montclair Business Association
Eugenie Thompson, E.P. Thompson Associates
Dennis Yniguez, Arborist, Tree Care

X. APPENDICES

A. INITIAL STUDY

B. NOTICE OF PREPARATION

C. TRANSPORTATION APPENDIX

D. BIOLOGY APPENDIX

A. INITIAL STUDY

File No. ER90-91
Ref. No. CM, VM, D90-300

City of Oakland
Oakland, California

INITIAL STUDY
California Environmental Quality Act

I. DESCRIPTION OF THE PROJECT Construction of a new Lucky's Supermarket in the Montclair Village section of Oakland at 1991 Mountain Blvd.
(See attachment for further details.)

II. DESCRIPTION OF THE ENVIRONMENTAL SETTING

Refer Attachment

III. ENVIRONMENTAL EFFECTS

	Yes	Maybe	No	Source or Explanation
<u>Geotechnical.</u> Will the proposal result in:				
1. Unstable earth conditions, including erosion or slides, or changes in geologic substructures either on or off the site?		X		see attachment
2. Major changes in topography or ground surface relief features?		X		see attachment
3. Construction on loose fill or other unstable land which might be subject to slides or liquefaction during an earthquake?	X			see attachment
4. Construction within one quarter mile of an earthquake fault?	X			see attachment
5. Substantial depletion of a nonrenewable natural resource or inhibition of its extraction?			X	see attachment
<u>Air and Water.</u> Will the project result in:				
6. Substantial air emissions, deterioration of ambient air quality or the creation of objectionable odors?		X		see attachment
7. Substantial degradation of water quality?			X	
8. Changed drainage patterns or increased rates or quantities of surface water runoff?			X	
9. Interception of an aquifer by cuts or excavations?			X	
<u>Biotic.</u> Will the project:				
10. Reduce the quantity of fish and wildlife in the project vicinity, interfere with migratory or other natural movement patterns, degrade existing habitats or require extensive vegetation removal?			X	see attachment
11. Reduce the numbers of any rare or endangered species of plants or animals?			X	see attachment
<u>Land Use and Socio-Economic Factors.</u> Will the project:				
12. Conflict with approved plans for the area or the Oakland Comprehensive Plan?			X	see attachment
13. Carry the risk of an explosion or the release of hazardous substances, including oil, pesticides, chemicals or radiation?			X	
14. Require relocation of residents and/or businesses?	X			see attachment
15. Cause a substantial alteration in neighborhood land use, density or character?		X		see attachment
16. Generate substantially increased vehicular movement or burden existing streets or parking facilities?	X			see attachment
17. Elicit substantial public controversy or opposition?		X		see attachment
18. Have a substantial impact on existing transportation systems or circulation patterns?	X			see attachment
19. Result in a substantial increase of the ambient noise levels for adjoining areas?		X		see attachment
20. Impose a burden on public services or facilities including fire, solid waste disposal, police, schools or parks?			X	
21. Impose a burden on existing utilities including electricity, gas, water, and sewers?			X	
22. Destroy, deface or alter a structure, object, natural feature or site of historic, architectural, archeological or aesthetic significance?			X	
23. Involve an increase of 100 or more feet in the height of any structure over any previously existing adjacent structure?			X	

Energy: Will the project: Source or
Yes Maybe No Explanation

24. Use or encourage use of substantial quantities of fuel or energy? X see attachment

IV. MANDATORY FINDINGS OF SIGNIFICANCE (EIR required if answer to any of the following questions is "yes" or "maybe".)

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|--|------------|--------------|-----------|
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | — | X | — |
| b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) | X | — | — |
| c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) | X | — | — |
| d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | — | X | — |

If any "yes" or "maybe" answers are marked, describe the specific nature of the environmental effects involved and their relationship to the project. (Use an attached sheet if necessary.)

V. DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find the proposed project WILL NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☒ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Name Gwen A. Alie

Date September 13, 1990

Title Assistant Planner

I. PROJECT DESCRIPTION

Construction of a 56,699 square foot building with main floor supermarket ($\pm 28,770$ square feet), basement storage ($\pm 5,764$ square feet) and basement parking/loading slip ($\pm 22,165$ square feet,) with a 27,929 square foot roof level parking deck and a total of 180 off-street parking spaces (54 spaces, ground level; 126 spaces basement and roof level), accessible from Mountain Boulevard, on a $\pm 59,950$ square foot parcel bounded by Medau Place, Mountain Boulevard and Moraga Avenue, in the C-27 Village Commercial Zone. The site is currently used as a surface parking lot servicing adjacent commercial areas.

II ENVIRONMENTAL SETTING

Site is paved and is currently used as an open parking lot for adjacent commercial uses, including the existing Lucky's supermarket, contains a small wood-frame parking attendant booth. Three story commercial building to the north/west; single story commercial buildings to the south/east. Two story commercial buildings across on Mountain Boulevard. The Montclair commercial area is typified by low-density (1-2 story) commercial development, with a pedestrian orientation.

III. ENVIRONMENTAL EFFECTS

- 1-4 A seismic trace (Hayward Fault) traverses the site along a north/south axis. The Environmental Impact Report should discuss potential safety hazards associated with development across this trace, the geological characteristics of the site, earthwork entailed by the project (grading, excavation, fill), the potential ground response of the site and the suitability of the site for the proposed development, with specific reference to a technically efficient engineered foundation/structural design which eliminates or minimizes potential safety hazards associated with development on this site.
- 6-19 Further studies are required to determine the effect that the project will have on area noise and air quality levels, particularly during the construction phase of the project. Possible noise and air pollution sources include the operation of the proposed building, truck deliveries, auto trips associated with the project, and construction activities.
14. The application does not address the impacts associated with vacating the existing Lucky's supermarket or indicate whether the vacated building will be demolished or used for other commercial activities. This issue should be explored in the Environmental Impact Report.

15. The project will replace a surface parking lot with a structure up to 50 feet in height (including corner towers and walls for the roof level) and will consequently have a strong visual impact on the site and surrounding area given the low-density character of existing commercial development adjacent to, and across from, the site, and within the Montclair commercial area as a whole. Detailed studies are required to demonstrate the extent of visual impacts and propose effective mitigations, should they be required. These studies should include photomontages and an description and assessment of the architectural characteristics of the building itself against the prevailing architectural character of existing commercial development.

16-18. The project entails reconfiguration of Mountain Boulevard for approximately 210 feet to create a left turn, 3 car stacking lane (for northbound traffic) onto the site. This reconfiguration also includes widening that span of Mountain Boulevard from 34 to 37 feet, eliminating three (3) metered curbside parking spaces (southbound lane), and construction of a traffic island to route southbound traffic into the relocated southbound lane, away from the central left turn) lane. The EIR should indicate whether alternative designs were considered, and should assess how the proposed reconfiguration will impact existing circulation along Mountain Boulevard (a major collector within the Montclair commercial district), adjacent streets or nearby intersections during the construction phase and permanently, thereafter.

The project would result in the elimination of existing pedestrian access between Moraga Road and Mountain Boulevard, through the surface parking lot. It is not clear how pedestrian access between Moraga Avenue and Mountain Boulevard, or into the store from either of these streets, would be provided. Project plans indicate that a pedestrian path between the two streets is "not recommended," and pedestrian paths into the store from Mountain Boulevard would be "optional-by others". The only pedestrian access to Moraga Avenue would be via an emergency exit stairway. Using a trip generation rate of 125.5 trips per day per 1,000 square feet (source: Trip Generation, Institute of Transportation Engineers, 4th Edition, 1987), the project would be expected to generate about 4,330 weekday trips or an increase of about 955 trips per day more than that generated by the existing Lucky supermarket. This could have significant impacts on the level of service at various intersections in Montclair Village and on local traffic circulation.

An assessment of the adequacy of the number of parking spaces that will be provided indicates that the proposed 180 spaces meets the Zoning requirement of one (1) space for

every two hundred square feet of floor area. The 180 spaces are also more than adequate to meet the estimated parking demand for a supermarket of this size; this estimated demand would be 99 spaces on weekdays, and 118 spaces on weekends. (Source: Parking Generation, Institute of Transportation Engineers, 2nd Edition, 1987).

Regarding parking impacts, the proposal entails elimination of five (5) metered curbside parking spaces - two on Moraga Road and three on Mountain Boulevard. It will also eliminate an off-street parking resource currently utilized by patrons of adjacent (tenant) commercial stores who presently share the use of the surface parking lot on the subject site with patrons of the existing Lucky's store. The 180 off-street parking spaces included in the proposal are intended for the exclusive use of Lucky's patrons. Detailed studies assessing parking displacement created by the project and the availability of alternative parking resources within the Montclair commercial area should be addressed in the Environmental Impact Report.

17. Given the circulation, parking, visual, geological/safety impacts immediately identifiable with the project, staff anticipates that the project will generate public controversy based on these and possibly other issues/impacts not yet pinpointed.
24. Substantial quantities of energy may be required to construct and operate the building. Substantial quantities of fuel may be used by vehicles associated with the proposed project.

IV. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Because of potential impacts cited above, the project may have the potential to degrade the quality of the environment.
- b/c) Because of potential impacts with respect to 1/ seismic safety/ground instability; 2/ air quality; 3/ relocation of business; 4/ parking displacement/parking shortfall; 5/ traffic circulation/street realignment 6/visual impacts/change in neighborhood character; 7/ public controversy; 8/ increase in noise levels/deterioration of air quality; 9/ fuel/energy consumption, the proposal has the potential to achieve short-term to the disadvantage of long-term environmental goals, and has impacts which may be individually limited but cumulatively considerable.
- d) Because of the seismic trace (Hayward Fault) which traverses the site, the project may create a safety hazard for human beings.

B. NOTICE OF PREPARATION



CITY HALL • ONE CITY HALL PLAZA • OAKLAND, CALIFORNIA 94612

Planning Department

**NOTICE OF PREPARATION
OF DRAFT ENVIRONMENTAL IMPACT REPORT**

TTY 839-6451

The Oakland City Planning Department is preparing an Environmental Impact Report (EIR) for the project identified below, and we are requesting your comments on the scope and content of the EIR. We have prepared an "Initial Study" that identifies areas of probable environmental effects. These probable environmental effects are summarized below. The Initial Study is available at the Department of City Planning.

The City of Oakland is the Lead Agency for this project, which means that we are the public agency with the greatest responsibility for either approving it or carrying it out. We are sending this notice to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that also have a role in approving or carrying out the project. Responsible Agencies will need to use the EIR that we prepare when considering approvals related to the project.

When the Draft EIR is published, it will be sent to all Responsible Agencies and to others who respond to this Notice of Preparation or who otherwise indicate that they would like to receive a copy.

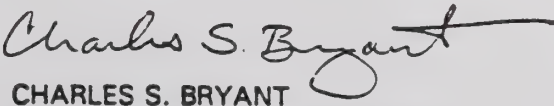
Please send us any response you may have within 30 days from the date you receive this notice. Your response, and any questions or comments, should be directed to Gwen A. Alie, Assistant Planner, Oakland City Planning Department, 421 14th Street, Oakland, CA 94612, telephone 273-3911. Please reference case number ER90-91 in your response.

PROJECT TITLE: Montclair Lucky's, Store No. 27
PROJECT LOCATION: 1957 - 71 Mountain Boulevard
PROJECT SPONSOR: Lucky Stores Inc., c/o James Watt, V.P.

PROJECT DESCRIPTION: Construction of a 56,699 square foot building with main floor supermarket ($\pm 28,770$ square feet), basement storage ($\pm 5,764$ square feet) and basement parking/loading slip ($\pm 22,165$ square feet,) with a 27,929 square foot roof level parking deck and a total of 180 off-street parking spaces (54 spaces, ground level; 126 spaces basement and roof level), accessible from Mountain Boulevard, on a $\pm 59,950$ square foot parcel bounded by Medau Place, Mountain Boulevard and Moraga Avenue, in the C-27 Village Commercial Zone. The site is currently used as a surface parking lot servicing adjacent commercial areas.

PROBABLE ENVIRONMENTAL EFFECTS: 1/ seismic safety/ground instability; 2/ relocation of business; 3/parking displacement/parking shortfall; 4/ traffic circulation/street realignment 5/ visual impacts/change in neighborhood character; 6/ public controversy; 7/ increase in noise levels/deterioration of air quality; 8/ fuel/energy consumption.

DATE: January 25, 1991


CHARLES S. BRYANT
Environmental Review Coordinator

File No. ER90-91
Ref. No. CMD90-300

C. TRANSPORTATION

TABLE C-1: VEHICULAR LEVELS OF SERVICE AT SIGNALIZED INTERSECTIONS

Level of Service	Description	Average Stopped Delay /a/
A	Level of Service A describes operations with very low delay. This occurs when progression is extremely favorable, and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay. The traffic operation can generally be described as excellent.	0.0-5.0
B	Level of Service B describes operations with low delay. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for Level of Service A, causing higher levels of average delay. The traffic operation can generally be described as very good.	5.1-15.0
C	Level of Service C describes operations with moderate delays. These higher delays may result from fair progression and/or longer cycle lengths. Vehicles occasionally may have to wait more than one red traffic signal indication. The number of vehicles stopping is substantial at this level, although many still pass through the intersection without stopping. The traffic operation can generally be described as good.	15.1-25.0
D	Level of Service D describes operations with moderately high delays. Congestion is more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume/capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Some vehicles have to wait more than one red traffic signal phase. The traffic operation can generally be described as fair.	25.1-40.0
E	Level of Service E describes operations at the limit of acceptable delay. These high delay values generally indicate poor progression, long cycle lengths, and high volume/capacity ratios. Vehicles may be delayed through several signal cycles. The traffic operation can generally be described as poor.	40.1-60.0
F	Level of Service F describes operations with delay unacceptable to most drivers. This condition often occurs when arrival flow rates exceed the capacity of the intersection. It may also occur at high volume/capacity ratios below 1.00 with many vehicles having to wait more than one red traffic signal indicator. Poor progression and long cycle lengths may also be major contributing causes to such delay levels.	60.0+

/a/ Level of Service criteria are stated in seconds, in terms of the average stopped delay per vehicle for a 15-minute analysis period.

SOURCE: Environmental Science Associates, Inc. from Highway Capacity Manual, Special Report 209, Transportation Research Board, 1985.

TABLE C-2: VEHICULAR LEVELS OF SERVICE AT UNSIGNALIZED INTERSECTIONS

<u>Level of Service</u>	<u>Description</u>
A	Level of Service A describes a condition where the approach to an intersection appears quite open and turning movements are made easily. Little or no delay is experienced. The traffic operation can generally be described as excellent.
B	Level of Service B describes a condition where the approach to an intersection is occasionally fully used and some delays may be encountered. Many drivers begin to feel somewhat restricted within groups of vehicles. The traffic operation can generally be described as very good.
C	Level of Service C describes a condition where the approach to an intersection is often fully used and back-ups may occur behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so. The traffic operation can generally be described as good.
D	Level of Service D describes a condition of increasing restriction causing substantial delays and queues of vehicles on approaches to the intersection during short times within the peak period. The traffic operation can generally be described as fair.
E	Capacity occurs at Level of Service E. It represents the most vehicles that any particular intersection can accommodate. At capacity there may be long queues of vehicles waiting up-stream of the intersection and vehicles may experience very long delays. The traffic operation can generally be described as poor.
F	Level of Service F represents a jammed condition. Insufficient gaps of suitable size exist to permit movement of vehicles out of the approach under consideration. Extremely long delays occur, and drivers may select smaller than usual gaps. In such cases, safety may be a problem. This condition usually warrants improvement to the intersection.

SOURCE: Environmental Science Associates, Inc. from Highway Capacity Manual, Special Report 209, Transportation Research Board, 1985.

PARKING DEMAND CALCULATIONS

Lucky Supermarket: Existing

The existing parking demand for the Lucky Supermarket was based on a typical peak-hour customer volume of 274, derived from Montclair Lucky store sales figures, and an average shopping time per patron of 25 minutes, derived from E.P.

Associates, *Consultant's Report: Vehicular Access and Parking Assessment Study for Relocation of Lucky Store #94, Redwood City, CA*, April 1989. The calculations also include information from patron surveys of drivers using the existing Montclair Lucky store parking lot (conducted Tuesday, December 11, 1990, and Saturday, December 8, 1990). Included in the calculations were the percentage of drivers who visited Lucky only and the percentage who visited Lucky and other stores (and the average number of stores visited). A parking demand rate per 1,000 square feet for the Lucky store was determined by two following formulae, and then averaged, as follows:

1. For both weekday and Saturday:

($\%$ visiting Lucky only $\times$ capacity of parking lot $\div$ size of store¹) + (($\%$ visiting Lucky and other stores $\times$ capacity of parking lot $\div$ size of store) $\div$ number of stores visited).

The average of the weekday and Saturday parking generation rates was taken to establish the overall rate.

2. Typical peak-hour volume of 274 @ 25 minutes per shopper, divided by size of store.

The calculations for the two methodologies were as follows:

1. **Weekday:** $[0.57 \times 175 \div 16] + [(0.21 \times 175 \div 16) \times \frac{1}{2.4}] \approx 7.19$

Saturday: $[0.255 \times 175 \div 16] + [(0.37 \times 175 \div 16) \times \frac{1}{2.8}] \approx 4.23$

Average: $(7.19 + 4.23) \div 2 \approx 5.71/1,000 \text{ sq. ft.}$

2. $274 \text{ patrons} \div (60 \text{ min.} / 25 \text{ min.}) \div 16,000 \text{ sq. ft.} \approx 7.14 \text{ spaces per } 1,000 \text{ sq. ft.}$

For greater accuracy, the average of methodologies 1 and 2 was taken:

$(5.71 + 7.14) \div 2 \approx 6.4$

This figure was used to estimate parking demand:

$6.4 \text{ spaces}/1,000 \text{ sq. ft.} \times 16,000 \text{ sq. ft.} \approx 103 \text{ spaces}$

Lucky Supermarket: Future

For future (existing plus project) conditions, the typical peak-hour existing demand was increased by 53 percent, based on expected maximum hourly patronage of 420 (Thomson, 1989):

$103 \times 1.53 \approx 157 \text{ spaces}$

This parking demand was divided by 28,000 sq. ft., the size of the proposed new store, to develop a parking demand rate of 5.6 spaces per 1,000 sq. ft.

Other Parking Rates

For infill of the existing Lucky Supermarket building and for non-Lucky (Bank of America building) uses, the parking demand rates were based on Institute of Transportation Engineers, *Parking Generation*, August 1987, and E.P. Thomson Associates, *Montclair Village Parking and Land Use Study*, August 1984.

¹ Size of store is calculated in thousands of square feet.

D. BIOLOGY

Mr. James Watt
Vice President, Real Estate
Lucky Stores, Inc.
1701 Marina Blvd
San Leandro, CA 94577

June 19, 1990

Dear Mr. Watt,

I am submitting this report in response to your request.

We met on Friday morning, June 1st, in the parking lot adjacent to the Lucky Store supermarket in Montclair, in order to discuss the potential effect of commercial construction on ten nearby redwood trees. The redwood trees are situated in a row along the border of a grassy field in Montclair Park, on property owned by the City of Oakland.

We discussed alternatives for site placement of a proposed Lucky Supermarket, and the effect such construction might have on the health of the row of adjacent trees. One alternative we discussed was the possible removal of the trees by Lucky Stores in exchange for dedication of suitable funds for the planting of other trees by the City of Oakland. The dedicated funds could go into a general parks fund or be set aside for some appropriate planting and improvements for Montclair Park.

We agreed that it would be necessary to evaluate the "worth" of the ten redwood trees, according to generally accepted procedures, in order to determine the feasibility and costs of removing the trees and dedicating funds.

VALUATION OF TEN REDWOOD TREES IN MONTCLAIR PARK

FOREWORD:

I have been a practicing arborist in the San Francisco Bay Area for the past eight years. In 1984, I passed the examination administered by the International Society of Arboriculture to become a Certified Arborist.

I am also an attorney, having been graduated from Boalt Hall at the University of California at Berkeley in 1981. I am licensed to practice law in the State of California, and attempt to stay abreast of the law of trees as it pertains to Urban Forestry.

TREE CARE

- AESTHETIC AND FUNCTIONAL PRUNING
- REJUVENATION OF DECLINING TREES
- TREE REMOVAL WHEN APPROPRIATE
- DISEASE AND INSECT DIAGNOSIS
- SMALL ORCHARD MANAGEMENT
- TREE DISPUTE MEDIATION

DENNIS YNIGUEZ

1426 SPRUCE STREET
BERKELEY, CALIFORNIA 94709
(415) 540-0491



The following evaluation is presented in accordance with the standards set forth by the Council of Tree and Landscape Appraisers. This Council was designated by the following organizations to devise and adopt standards suitable for plant appraisal and evaluation throughout the United States:

The American Association of Nurserymen
The American Society of Consulting Arborists
The Associated Landscape Contractors of America
The International Society of Arboriculture
The National Arborist Association.

VALUATION METHODS FOR TREES

The loss in value of a tree can be determined by use of one of three methods: the replacement method, the fair market value method, or the use of the basic formula set forth as the industry standard for the United States.

The replacement method establishes tree value as the total cost of replacing a tree with one of similar size, with an allowance being made for tree species, condition and location. Replacement costs include the cleanup costs of the old tree; replacement with a tree of the same species, condition and size; delivery, installation, and one year of follow-up maintenance.

The fair market value method establishes tree value as the property value before loss minus the property value after loss. Fair market value costs include the cost of removing damaged or destroyed plants; pruning to preserve damaged plants; and replanting to restore property to the pre-casualty value.

The basic formula is the accepted standard for tree evaluation where it is not possible or practical to calculate tree value by the other two methods, for example, when the trees were greater than transplantable size, or when the transplanting area is highly inaccessible to large planting equipment.

VALUATION FACTORS

Four major factors are taken into account when valuing trees: these are size, species, condition, and location.

Size: In most situations involving healthy trees, the larger a tree, the more valuable it is. Large trees are more expensive to purchase and to plant.

Species: Not all species or varieties of trees have the same rated value due to differences in plant characteristics. These differences may include such factors as relative hardness, structural strength, durability, disease resistance, life expectancy, and environmental and aesthetic values.

Condition: Tree condition is evaluated relative to a "perfect" specimen of the same species and variety. Factors to weigh include the appearance of foliage, twigs, branches, trunk and roots; the health of all these parts; the life expectancy and age of the tree; the existence of troublesome infestations or structural defects.

Location: Location evaluation includes aesthetic, functional and site factors. Aesthetic factors encompass characteristics of bark, foliage, flower and fruit of the plant. Functional factors include environmental effects such as erosion control, noise abatement, wind reduction and climate control. Site factors include plant usages to define space, frame views, provide privacy, accent buildings and screen undesirable views.

DESCRIPTION AND VALUATION OF THE TREES

Description

Species: These ten trees are all *Sequoia sempervirens*, commonly called redwoods. On many lists of suitable trees for California's Temperate Pacific landscapes, the redwood is regarded as desirable. Redwoods are remarkably pest and disease-resistant in the San Francisco Bay Area climate. However, they do reach an enormous, sometimes overwhelming size, have a tendency to produce vigorous sucker sprouts, and prefer a rich loamy soil for maximum development. These redwoods therefore receive a conservative species rating of 80 percent in the valuation formula to be set forth below.

Size: Using a tape measure and a clinometer, I determined that the trees range in diameter from 22.6 inches to 44.2 inches, and range in height from approximately 27 to 84 feet.

Condition: The condition of these trees varies. All seem to be obtaining adequate water, and none exhibits any sign of life-threatening stress or disease. The soil grade level abutting the base of the trees has been left in its natural condition. Foliage appears to be vital and reflective of good health.

However, the appearance varies widely. Some exhibit more of the classic, graceful lines of the redwood, while others have a less even distribution of foliage. One tree has a double trunk that

could be cabled together for greater stability in high winds, and two trees have been topped, one of them severely.

Based on the above factors, each tree receives its own condition rating, which varies from 20 to 80 percent.

I must state clearly at this point that this consultation is NOT an assessment of the "safeness" of the trees. I have not ascended into the crown of the trees to inspect branch junctures, nor have I assumed responsibility for pruning decisions or attempted to determine whether any specific branch is likely to fail. No one can predict whether any tree is absolutely "safe", since a tree is a living organism subject to varying environmental influences, and many types of decay can be hidden under layers of woody tissue.

Location: These trees serve multiple functions. Besides providing a pleasing aesthetic presence, they serve to dampen noise and block views between a parking lot and a grassy playing field. They clearly delineate where the pavement ends and the park begins, providing a sense of presence and proportion.

They do not, however, retain their individuality as plant specimens, but rather provide a green backdrop brought about by the intermeshing of foliage between adjacent trees. Their aesthetic benefit is not as striking as if they were centrally located as focal points in an overall landscape designed around and dependent upon their presence. The screening of unwanted noise and views provided by their height is most valuable for only about the first 40 feet. Their height is therefore not essential in this location to fulfill the functional benefits which they now provide.

For the above reasons, the trees receive a 70% valuation rating in the location category of the Basic Formula method outlined below.

Valuation

These trees could not all be replaced with trees of similar size and condition in their present location, so it is not possible to determine a replacement value.

It is theoretically possible to determine the fair market value of Montclair Park as of the date prior to removal of the trees, but fair market value of the property without the ten redwood trees could only be determined as of the date of loss of the trees. Since the trees are still present and not the subject of a casualty loss evaluation, any determination of fair market value of the park without the tree would only be speculative.

Therefore, I will apply the basic formula method to arrive at a fair valuation of the trees. The index number of \$27.00 per square inch of cross-section is the currently designated industry standard used for tree valuation in the United States, and is based on both industry surveys and the U. S. Department of Labor Consumer Price Index. This number is multiplied by the number of square inches of cross-section at DBH (diameter breast height, or 4.5 feet above ground) to arrive at the Basic Value.

The Basic Value = cross-sectional area (in. sq.in.) X \$27.00.

The cross-sectional area of the trunk at breast height (4.5 feet) can be determined in three ways: 1) by multiplying the radius of the trunk (one-half of the diameter) by itself (squaring) and then multiplying by pi (3.1416); 2) by multiplying the diameter of the trunk by itself and then multiplying by 0.785; or 3) by multiplying the trunk circumference by itself and then multiplying by 0.08. Each method gives the same answer.

The Basic Formula = Basic Value X Species Rating(%) X Condition Rating(%) X Location Rating(%).

Applying the Basic Formula, we arrive at a valuation as follows, with tree #1 being the southernmost in the line of trees:

TREE #	SIZE(DBH inches)	SPECIES	CONDITION	LOCATION	VALUE
1	36.3	.80	.80	.70	\$12,514
2	44.2	.80	.70	.70	16,235
3	38.2	.80	.70	.70	12,126
4	23.2	.80	.70	.70	4,472
5	26.8	.80	.60	.70	5,116
6	25.5	.80	.70	.70	5,403
7	39.8	.80	.60	.70	11,283
8	22.6	.80	.20	.70	1,212
9	32.1	.80	.50	.70	6,116
10	39.8	.80	.70	.70	13,163

TOTAL \$87,640

In accordance with the Basic Formula Method set forth by the Council of Tree and Landscape Appraisers, I have determined that the value of the ten redwood trees would be \$87,640.00.

ACCURACY OF THE VALUATION METHOD

Using this formula, it is possible for other competent appraisers to arrive at a somewhat different determination of value for these trees. Others might compute another percentage rating for the categories of species, condition and/or location. There is room for a reasonable subjectivity in these standards, and all arborists would not make duplicate judgments in these computations.

In addition, the Council of Tree and Landscape Appraisers is undergoing research into the use of a modified and more complex formula for measuring and calculating the Basic Value of large diameter trees. It is possible that the figure I have calculated may be reduced slightly under the new formula, if and when it is adopted.

However, inflationary pressures in the general economy and particularly in the landscaping industry exert an upward pull on the assessed valuation of trees. These countervailing influences probably mean that the figure I have arrived at is likely to remain acceptably accurate for the near future. I would defend the legitimacy of this valuation in a hearing or court of law.

Please feel free to phone or write if you have any questions or comments about this report.

Again, thank you for your business.

Respectfully submitted,



Dennis Yniguez
Consulting Arborist

James M. Alarid
CITY ATTORNEY

ORDINANCE NO. 11365 C. M. S.

AN ORDINANCE REPEALING EXISTING CHAPTER 7, ARTICLE 6, OF THE OAKLAND MUNICIPAL CODE AND ADDING A NEW CHAPTER 7, ARTICLE 6, OF THE OAKLAND MUNICIPAL CODE FOR THE PURPOSE OF PROMOTING TREE PRESERVATION THROUGHOUT THE CITY OF OAKLAND

WHEREAS, the City Council enacted Ordinance No. 9366 (C.M.S.) on September 7, 1976 (the Tree Preservation Ordinance) for the purpose of establishing regulations and procedures to ensure the protection and preservation of trees; and

WHEREAS, the City Council enacted Ordinance No. 11184 (C.M.S.) on February 27, 1990 revising the Tree Preservation Ordinance to increase its effectiveness; and

WHEREAS, the Tree Preservation Ordinance has been determined to require further revisions in order to more effectively accomplish the City Council's goals of protecting and preserving trees; and

WHEREAS, extensive revisions to the Tree Preservation Ordinance have been formulated with the input and assistance of a task force which included representatives from the development community and neighborhood organizations: now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The existing Chapter 7, Article 6 is hereby repealed and deleted from the Oakland Municipal Code.

SECTION 2. A new Chapter 7, Article 6 is hereby added to the Oakland Municipal Code to read as follows:

ARTICLE 6

TREES

SECTION 7-6.01 INTENT AND FINDINGS. This Article is enacted in recognition of the following facts and for the following reasons:

- A. Among the features that contribute to the attractiveness and livability of the City of Oakland are its trees, both indigenous and introduced, growing as single specimens, in clusters, or in woodland situations. These trees have significant psychological and tangible benefits for both residents and visitors to the City.
- B. Trees contribute to the visual framework of the City by providing scale, color, silhouette and mass. Trees contribute to the climate of the city by reducing heat buildup and providing shade,

moisture, and wind control. Trees contribute to the protection of other natural resources by providing erosion control for the soil, oxygen for the air, replenishment of groundwater, and habitat for wildlife. Trees contribute to the economy of the City by sustaining property values and reducing the cost of drainage systems for surface water. Trees provide screens and buffers to separate land uses, landmarks of the city's history, and a critical element of nature in the midst of urban settlement.

- C. For all these reasons, it is in the interest of the public health, safety and welfare of the Oakland community to protect and preserve trees by regulating their removal; to prevent unnecessary tree loss and minimize environmental damage from improper tree removal; to encourage appropriate tree replacement plantings; to effectively enforce tree preservation regulations; and to promote the appreciation and understanding of trees.

SECTION 7-6.02 DEFINITION. For the purposes of this Article, the meaning and construction of words and phrases hereinafter set forth shall apply.

APPLICANT: either one of the following:

1. The owner of the real property upon which the protected tree(s) involved in a tree removal permit and/or site inspection applications are located, also referred to herein as the tree owner;
2. The agent of the property owner (tree owner), as established by legally binding written stipulations between the property owner and the agent for the property owner.

DBH: (Diameter at Breast Height) trunk diameter measured at 4-1/2 feet above the ground. For multi-stemmed trees, a permit would be required if the diameter of all trunks were equal to or greater than the minimum size stipulated.

For convenience in the field, circumferences are considered equivalent to diameter as follows:

<u>DIAMETER</u>	<u>CIRCUMFERENCE</u>
4"	12"
9"	28"

DEVELOPMENT RELATED: Any activity regulated by the City of Oakland and which requires design review or a zoning, building, grading or demolition permit.

NON-NATIVE: Any tree species which does not naturally occur within the Oakland city limits.

PROTECTED PERIMETER: An area of land located underneath any protected tree which extends either to the outer limits of the branches of such tree (the drip line) or such greater distance as

may be established by the Office of Parks & Recreation in order to prevent damage to such tree.

PROTECTED TREE: A protected tree for the purpose of this Article is the following:

On any property, *Quercus agrifolia* (California or Coast Live Oak) measuring 4" dbh or larger, and any other tree measuring 9" dbh or larger except *Eucalyptus*. *Eucalyptus* trees are not protected by this Article.

TOPPING: Elimination of the upper 25% or more of a tree's trunk(s) or main leader(s).

TREE: A woody perennial, usually with one main trunk, attaining a height of at least eight feet at maturity.

TREE REMOVAL: The destruction of any tree by cutting, regrading, girdling, interfering with the water supply, or applying chemicals, or distortion of the tree's visual proportions by topping.

TREE REVIEWER: A City employee or other individual assigned by the Director of Parks and Recreation to review, inspect and prepare findings for all tree removal permit applications and appeals of decisions related thereto.

WORKING DAY: Monday through Friday, except officially designated City holidays.

SECTION 7-6.03 APPLICATION FOR PERMITS. All applications for tree removal permits shall only be made by applicants, as defined in this Article, and no person who does not meet the definition of an applicant shall be issued a tree removal permit.

SECTION 7-6.04 PERMIT REQUIRED.

- A. A protected tree may not be removed without a tree removal permit.
- B. A tree removal permit, if one is required, shall be authorized by the Tree Reviewer prior to the approval of any building, grading, or demolition permit application, and shall only be issued to the applicant concurrent with or subsequent to all other necessary permits pertinent to site alteration and construction.
- C. Tree removal permits shall be transferrable from one applicant to another applicant only upon the following conditions:
 1. The new applicant must meet the eligibility criteria set forth in Section 7-6.02;
 2. Prior to transfer, a written, notarized statement must be provided to the Tree Reviewer by the permit holding applicant and the new applicant identifying the new applicant by name, address, and telephone number, and stating the reason and

effective date for the permit transfer;

3. The permit holding applicant and new applicant must present proper identification to the Tree Reviewer;
4. The new applicant must pay the fee established by the Master Fee Schedule of the City for tree removal permit transfers;
5. The transfer must be approved by the Tree Reviewer. Approval shall be granted, if the requirements of Sections 7-6.04(C)(1), (C)(2), (C)(3), and (C)(4) are met.

D. All tree removal permits shall remain valid for one (1) year from the date of permit issuance. An additional one (1) year extension shall be granted upon receipt of a written request from the permit applicant by the Tree Reviewer. No tree removal permit shall remain valid for a period in excess of two (2) years from the date of permit issuance. The applicant must pay the fee established by the Master Fee Schedule of the City for tree removal permit extensions.

SECTION 7-6.05 CRITERIA FOR TREE REMOVAL PERMIT REVIEW.

A. In order to grant a tree removal permit, the City must determine that removal is necessary in order to accomplish any one of the following objectives:

1. To insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
2. To avoid an unconstitutional regulatory taking of property.
3. To take reasonable advantage of views, including such measures as are mandated by the resolution of a view claim in accordance with the View Preservation Ordinance (Chapter 7, Article 8, O.M.C.).
4. To pursue accepted, professional practices of forestry or landscape design.
5. To implement the vegetative management prescriptions in the S-11 Site Development Review Zone.

B. A finding of any one of the following situations is grounds for permit denial, regardless of the findings in Section 7-6.05(A):

1. Removal of a healthy tree of a protected species could be avoided by:
 - a. reasonable redesign of the site plan, prior to construction;
 - b. trimming, thinning, "tree surgery" or other reasonable

treatment.

2. Adequate provisions for drainage, erosion control, land stability or windscreen have not been made in situations where such problems are anticipated as a result of the removal.
 3. The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.
 4. The value of the tree is greater than the cost of its preservation to the property owner. The value of the tree shall be measured by the Tree Reviewer using the criteria established by the International Society of Arboriculture, and the cost of preservation shall include any additional design and construction expenses required thereby.
- C. In each instance, whether granting or denying a tree removal permit, findings supporting the determination made pursuant to Section 7-6.05(A) or (B), whichever is applicable, shall be set forth in writing.

SECTION 7-6.06 CONDITIONS OF APPROVAL. The following conditions of approval, depending upon the facts of each application, may be issued in conjunction with any tree removal permit:

- A. Adequate protection shall be provided during the construction period for any trees which are to remain standing. Measures deemed necessary by the Tree Reviewer in consideration of the size, species, condition and location of the trees to remain, may include any of the following:
1. Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
 2. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
 3. No storage or dumping of oil, gas, chemicals, or other

substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

4. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
5. If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Office of Parks and Recreation of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
6. All debris created as a result of any tree removal work shall be removed by the applicant from the property within two (2) weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.

B. Replacement plantings shall be required in order to prevent excessive loss of shade, erosion control, groundwater replenishment, visual screening, and wildlife habitat in accordance with the following criteria:

1. No tree replacement shall be required for the removal of non-native species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered;
2. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel);
3. Replacement trees shall be of 24" Box size, except that three (3) 15-gallon size trees may be substituted for each 24" Box size tree where appropriate;
4. Minimum planting areas must be available on site as follows:

- a. For Sequoia sempervirens, 315 ft² per tree;
- b. For all other species listed in Section 7-6.06(B)(2), 700 ft² per tree;

5. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the Master Fee Schedule of the City may be substituted for required replacement plantings, with all such revenues applied toward tree planting in City parks, streets and medians.

Plantings shall be installed prior to the issuance of a Certificate of Occupancy, subject to seasonal constraints, and shall be maintained by the applicant until established. The Tree Reviewer may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one (1) year of planting shall be replanted at the applicant's expense.

- C. Workers Compensation, Public Liability, and Property Damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
- D. The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the Tree Reviewer.
- E. Any other conditions that are reasonably necessary to implement the provisions of this Article.

SECTION 7-6.071 PROCEDURE - DEVELOPMENT RELATED TREE REMOVALS.

- A. Pre-application Design Conference. Prior to the submission of a tree removal permit application, a prospective applicant may request a pre-application design conference or a Design Review checklist conference by filing a request with the City Planning Department.

The pre-application design conference shall be convened by City Planning staff, and shall include the applicant, the Tree Reviewer, City Planning staff, Public Works staff (if necessary), and property owners of parcels located adjacent to the site of the proposed tree removal. The purpose of the pre-application design conference shall be to review proposed tree removals and determine whether alternate designs might be possible which would reduce the number of trees to be removed.

The results of the pre-application design conference shall be advisory, and shall not be binding on the prospective applicant; however, failure of a prospective applicant to reasonably incorporate the advisory findings made at the pre-application design conference into a subsequent tree removal permit application may be considered by the Tree Reviewer when making

final permit determinations.

- B. Application. In any development related situation which requires removal or possible damage to a protected tree or trees, including application for Design Review, zoning permits, Planned Unit Developments, or land subdivisions, a tree removal permit application must be filed with the City Planning Department at the same time any zoning permit, Design Review, Planned Unit Development, or land subdivision application is filed in accordance with the requirements of the regulations governing such applications.

All applicants for tree removal permits shall provide two copies of a survey and site plan as specified by Section 2-6.072 of the Oakland Municipal Code and Section 302(c) of the Oakland Building Code. All such surveys and site plans shall indicate the location, species, and dbh of all protected trees located within thirty (30) feet of proposed development activity on the subject property, regardless of whether or not the protected trees are included on any tree removal permit application; those protected tree(s) which are proposed for removal shall also be clearly identified.

The applicant shall also be required to certify in writing that the applicant has read, understood, and shall comply with the terms and provisions of this Article, including any conditions of permit approval made pursuant thereto.

- C. Initial City Review. The City Planning Department shall review and receive all applications for tree removal permits.

In those cases where a tree removal permit is required, the applicant shall submit a tree removal permit application. Tree removal permits shall be required for all protected trees which are to be removed by the applicant, or which are located within ten (10) feet of the proposed building footprint or perimeter of earthwork. City Planning staff shall then:

1. accept the tree removal permit application after confirming that the required information has been provided by the applicant;
2. collect the fee established by the Master Fee Schedule of the City for tree removal permit review from the applicant, who shall pay such fee;
3. advise the applicant of the requirement to mark all protected trees proposed for removal in plain view of the street with water soluble paint using a numbering scheme consistent with the numbering scheme used on the survey and site plan;
4. issue the applicant sufficient summary notices to be posted and maintained by the applicant in clear public view from all street frontages of the subject property; and

5. immediately forward the tree removal permit application to the Office of Parks & Recreation for further processing.

- D. CEQA Review. All tree removal permit applications shall be reviewed by the Tree Reviewer under the California Environmental Quality Act (CEQA) within five (5) working days of permit application receipt using checklists established for this purpose.

Exemption from CEQA shall be determined by the application of criteria which take into account the existing property use (developed versus undeveloped), the total extent of requested tree removals, and the size of any individual protected tree proposed for removal.

In the event the Tree Reviewer determines that additional CEQA review is required, a referral shall be made to the City Planning Department within five (5) working days of permit application receipt. City Planning staff shall review all referrals within established CEQA review time frames, and shall notify the Tree Reviewer of the projected CEQA completion date.

- E. Site Posting. The applicant shall paint a sequential number of not less than twelve (12) inches in height on each protected tree proposed for removal, and shall post the summary notices as required herein within two (2) days after making an application for a tree removal permit. The painted numbers and summary notice shall not be removed until such time as a tree removal permit is issued or denied by the City for the tree(s) in question.

Failure of the applicant to properly mark any tree or summary notice shall result in the extension of all time limits established for a permit application until such time as the applicant has provided proper tree and/or site posting.

- F. Application Verification. The Tree Reviewer, within four (4) working days of receipt of a permit application, shall notify the applicant whether the application is complete and accepted for filing. If the Tree Reviewer determines that a permit application is incomplete, the notice to the applicant shall set forth the reasons for the incompleteness, and the application shall be deemed rejected. If the applicant is not notified by the Tree Reviewer within four (4) working days, said permit application shall be deemed complete.

- G. Public Notice and Input. The Office of Parks & Recreation shall, within ten (10) working days of permit application, notify property owners of all parcels located adjacent to the site of proposed tree removal(s) in writing of the fact that a tree removal permit application has been made, the name of the applicant, and the closing date for public input. The Office of Parks & Recreation shall accept public comment regarding a tree

removal permit application for a period of not less than twenty (20) working days following permit application.

- H. Site Inspection. The Tree Reviewer of the Office of Parks & Recreation shall review all tree removal permit applications, and shall inspect all such sites within five (5) working days after the application is filed.
- I. Site Design Conference. The City Planning Department shall meet and confer with the applicant, the Tree Reviewer and concerned parties in an effort to achieve a design which will accommodate the jeopardized tree(s). Such site design conferences shall be convened not later than ten (10) working days after permit application.

This time schedule may be modified by the mutual consent of the applicant, the City Planning Department, and the Office of Parks & Recreation.

In addition, when an application for a Planned Unit Development or land subdivision is filed with the City, the City Planning Department shall convene a design conference with the applicant, concerned parties and the Tree Reviewer to address tree removal issues.

- J. Permit Determinations. The Tree Reviewer of the Office of Parks & Recreation shall review all tree removal permit applications and shall be responsible for making all necessary findings for approval or denial of such permit applications, including attaching all necessary conditions of approval.

Any public input or comments shall be noted by the Tree Reviewer.

- K. Permit Issuance and Denial. Based upon the determinations of the Tree Reviewer, except as otherwise stated herein and except as necessitated by CEQA review, the Office of Parks & Recreation shall issue or deny a tree removal permit application within twenty (20) working days of application. The Office of Parks & Recreation shall hold all tree removal permits until the appeal deadline established in Section 7-6.081 has expired.

If an application for tree removal is approved and not appealed, a tree removal permit shall be issued by the Office of Parks & Recreation and immediately forwarded to the Office of Public Works. The Office of Public Works shall hold all tree removal permits until determinations are made regarding any other permit applications affecting the project in question. Once all permit applications for a particular project have been approved, the Office of Public Works shall issue the applicable tree removal permit.

If an application for tree removal is approved and not appealed, but any other related permit application affecting the project in question is denied, the tree removal permit shall be withheld by the Office of Public Works until such time as all permit

applications for said project are approved.

If the application for tree removal is denied and not appealed, it shall be returned to the applicant by the Office of Public Works, along with the reasons for denial provided by the Office of Parks & Recreation.

Following issuance of a tree removal permit, the applicant shall post a copy thereof in plain view on the site while tree removal work is underway.

- L. Appealed Permits. Once a decision has been made regarding an appeal of a tree removal permit or application for tree removal, such permit or application for tree removal shall be processed as described in Section 7-6.071(K).
- M. Suspended Permits. The Tree Reviewer, after notice to the tree permit holder, may, in writing, suspend a permit issued under the provisions of this code whenever the Tree Reviewer, based upon substantial evidence, determines that a permit was issued in error either because the applicant supplied incorrect information, the applicant failed to supply all relevant information, and such information could not have been reasonably discovered by the Tree Reviewer during the site investigation, or that work done pursuant to the permit has resulted in violation of this code or some other related code, ordinance, or resolution.

The notice to the tree permit holder shall state the grounds for suspension. In addition, it shall state the conditions that must be satisfied to have the suspension lifted. The notice shall also state that the permit holder, upon receipt of the notice, may submit evidence to the Tree Reviewer indicating that there are no grounds for permit suspension. Upon receipt of any such evidence, the Tree Reviewer shall immediately review the evidence and, within two (2) working days of receipt of said evidence, shall notify the permit holder in writing whether the suspension shall be lifted.

The decision of the Tree Reviewer shall be final unless appealed within five (5) working days, pursuant to Section 7-6.081 of this Code.

SECTION 7-6.072 PROCEDURE - NON DEVELOPMENT RELATED TREE REMOVALS.

- A. Pre-application Design Conference. Prior to the submission of a tree removal permit application, a prospective applicant may request a pre-application design conference by filing a written request with the Office of Parks & Recreation.

The pre-application design conference shall be convened by the Tree Reviewer, and shall include the applicant, the Tree Reviewer, City Planning staff, Public Works staff (if necessary), and property owners of parcels located adjacent to the site of the proposed tree removal. The purpose of the pre-application design conference shall be to review proposed tree removals and determine whether alternatives might be possible which would reduce the number of

trees to be removed.

The results of the pre-application design conference shall be advisory, and shall not be binding on the prospective applicant; however, failure of a prospective applicant to reasonably incorporate the advisory findings made at the pre-application design conference into a subsequent tree removal permit application may be considered by the Tree Reviewer when making final permit determinations.

- B. Application. In any non development related situation which requires removal or possible damage to a protected tree or trees, a tree removal permit application must be filed with the Office of Parks & Recreation at 1520 Lakeside Drive.

All applicants for tree removal permits shall provide a site plan as specified by the City. All such site plans shall indicate the location, species, and dbh of all protected trees which are proposed for removal.

The applicant shall also be required to certify in writing that the applicant has read, understood, and shall comply with the terms and provisions of this Article, including any conditions of permit approval made pursuant thereto.

- C. Initial City Review. The Office of Parks & Recreation shall review all applications for non development related tree removal permits.

In those cases where a tree removal permit is required, the applicant shall submit a tree removal permit application. Tree removal permits shall be required for all protected trees which are to be removed by the applicant. Parks & Recreation staff shall then:

1. accept the tree removal permit application after confirming that the required information has been provided by the applicant;
2. collect the fee established by the Master Fee Schedule of the City for tree removal permit review from the applicant, who shall pay such fee;
3. issue a sufficient number of tree tags to the applicant, one of which is to be posted and maintained by the applicant in plain view of the street on each protected tree;
4. issue the applicant sufficient summary notices to be posted and maintained by the applicant in clear public view from all street frontages of the subject property; and
5. immediately forward the original tree removal permit

application to the Tree Reviewer for further processing.

- D. CEQA Review. All tree removal permit applications shall be reviewed by the Tree Reviewer under the California Environmental Quality Act (CEQA) within five (5) working days of permit application receipt using checklists established for this purpose.

Exemption from CEQA shall be determined by the application of criteria which take into account the existing property use (developed versus undeveloped), the total extent of requested tree removals, and the size of any individual protected tree proposed for removal.

In the event the Tree Reviewer determines that additional CEQA review is required, a referral shall be made to the City Planning Department within five (5) working days of permit application receipt. City Planning staff shall review all referrals within established CEQA review time frames, and shall notify the Tree Reviewer of the projected CEQA completion date.

- E. Site Posting. The applicant shall place one of the tree tags issued by the City on each protected tree, and shall post the summary notices as required herein within two (2) days after making an application for a tree removal permit. The tags and notice shall not be removed until such time as a tree removal permit is issued or denied by the City for the tree(s) in question.

Failure of the applicant to properly post any tree tag or summary notice shall result in the extension of all time limits established for a permit application until such time as the applicant has provided proper tree and/or site posting.

- F. Application Verification. The Tree Reviewer, within four (4) working days of receipt of a permit application, shall notify the applicant whether the application is complete and accepted for filing. If the Tree Reviewer determines that a permit application is incomplete, the notice to the applicant shall set forth the reasons for the incompleteness, and the application shall be deemed rejected. If the applicant is not notified by the Tree Reviewer within four (4) working days, said permit application shall be deemed complete.

- G. Public Notice and Input. The Office of Parks & Recreation shall, within ten (10) working days of permit application, notify property owners of all parcels located adjacent to the site of proposed tree removal(s) in writing of the fact that a tree removal permit application has been made, the name of the applicant, and the closing date for public input. The Office of Parks & Recreation shall accept public comment regarding a tree removal permit application for a period of not less than twenty (20) working days following verification of proper site posting.

- H. Site Inspection. The Tree Reviewer of the Office of Parks & Recreation shall review all tree removal inspection requests, and

shall inspect all such sites within five (5) working days after the application/request is filed.

- I. Permit Determinations. The Tree Reviewer of the Office of Parks & Recreation shall review all tree removal permit applications and shall be responsible for making all necessary findings for approval or denial of such permit applications, including attaching all necessary conditions of approval.

Any telephone calls or written comments received regarding the tree removal permit application shall be considered in the preparation of findings, and written records of such calls and/or comments shall be entered into the permanent permit file.

- J. Permit Issuance and Denial. Based upon the determinations of the Tree Reviewer, except as otherwise stated herein and except as necessitated by CEQA review, the Office of Parks & Recreation shall issue or deny a tree removal permit application within twenty (20) working days of application. The Office of Parks & Recreation shall hold all tree removal permits until the appeal deadline established in Section 7-6.082 has expired.

If an application for tree removal is approved and not appealed, a tree removal permit shall be issued by the Office of Parks & Recreation and immediately forwarded to the applicant.

If the application for tree removal is denied and not appealed, it shall be returned to the applicant by the Office of Parks & Recreation, along with the reasons for denial.

Following issuance of a tree removal permit, the applicant shall post a copy thereof in plain view on the site while tree removal work is underway.

- K. Appealed Permits. Once a decision has been made regarding an appeal of a tree removal permit or application for tree removal, such permit or application for tree removal shall be processed as described in Section 7-6.072(J).

- L. Suspended Permits. The Tree Reviewer, after notice to the tree permit holder, may, in writing, suspend a permit issued under the provisions of this code whenever the Tree Reviewer, based upon substantial evidence, determines that a permit was issued in error either because the applicant supplied incorrect information, the applicant failed to supply all relevant information, and such information could not have been reasonably discovered by the Tree Reviewer during the site investigation, or that work done pursuant to the permit has resulted in violation of this code or some other related code, ordinance, or resolution.

The notice to the tree permit holder shall state the grounds for suspension. In addition, it shall state the conditions that must be satisfied to have the suspension lifted. The notice shall also state the permit holder, upon receipt of the notice, may submit evidence to the Tree Reviewer indicating that there are no grounds

for permit suspension. Upon receipt of any such evidence, the Tree Reviewer shall immediately review the evidence and, within two (2) working days of receipt of said evidence, shall notify the permit holder in writing whether the suspension shall be lifted.

The decision of the Tree Reviewer shall be final unless appealed within five (5) working days, pursuant to Section 7-6.082 of this Code.

SECTION 7-6.073 PROCEDURE - CITY-OWNED TREE REMOVALS.

- A. Tree Posting. Except as exempted in Section 7-6.10 of this Article, all City-owned trees proposed for removal shall be posted by the Office of Parks & Recreation. A tree tag shall be affixed to each tree proposed for removal in plain view of the street. The tags shall not be removed until such time as tree removal is approved or denied by the City for the tree(s) in question.
- B. Public Notice and Input. The Office of Parks & Recreation shall, within ten (10) working days of tree posting, notify property owners of all parcels located adjacent to the site of proposed tree removal(s) in writing of the fact that City-owned trees have been proposed to be removed, and the closing date for public input. The Office of Parks & Recreation shall accept public comment regarding the proposed removal of City-owned trees for a period of not less than twenty (20) working days following proper site posting.
- C. Tree Removal Determinations. The Tree Reviewer of the Office of Parks & Recreation shall review all proposed City-owned tree removals and shall be responsible for making all necessary findings for approval or denial of such removals, including attaching all necessary conditions of approval.

Any telephone calls or written comments received regarding the public input period shall be considered in the preparation of findings, and written records of such calls and/or comments shall be entered into the permanent Tree Reviewer files.

- D. Tree Removal Approval and Denial. Based upon the determinations of the Tree Reviewer, and except as otherwise stated herein, the Office of Parks & Recreation shall approve or deny City-owned tree removals within twenty (20) working days of site posting. The Office of Parks & Recreation shall suspend all City-owned tree removals until the appeal deadline established in Section 7-6.083 has expired.

If the proposed tree removal(s) are approved and not appealed, the City-owned tree(s) shall be removed in accordance with regular work schedules.

If the proposed tree removal(s) are not approved, the City-owned tree(s) shall not be removed.

Following approval of City-owned tree removal, the Office of Parks

& Recreation shall post a public notice thereof in plain view on the site while tree removal work is underway.

- E. Appealed Permits. Once a decision has been made regarding an appeal of City-owned tree removal, such tree removal shall be processed as described in Section 7-6.073(D).

SECTION 7-6.081 APPEALS - DEVELOPMENT RELATED TREE REMOVAL PERMITS. Any person with standing as defined herein may appeal a tree removal permit decision made by the Office of Parks & Recreation to the City Council.

- A. Standing. A decision of the Office of Parks & Recreation with regard to a development-related tree removal permit may be appealed by the applicant or the owner of any adjoining or confronting property. In the case of a Planned Unit Development or subdivision, the decision may be appealed by the owner of any property adjoining or confronting any parcel of the Planned Unit Development or subdivision. As used herein, the term adjoining shall mean immediately next to, and the term confronting shall mean in front or in back of.
- B. Venue. All such appeals shall be made to the City Council. The decision of the City Council shall be final.
- C. Procedure. The appeal shall be filed within five (5) working days after the date of a decision by the Office of Parks & Recreation, and shall be made on a form prescribed by and filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Parks & Recreation or wherein such decision is not supported by the evidence in the record.

Upon receipt of such appeal, the City Clerk shall set the appeal for hearing at the next available City Council meeting. The hearing date set by the City Clerk shall be not more than thirteen (13) working days from the date of the decision by the Office of Parks & Recreation.

The City Clerk shall, not less than five (5) days prior to the date set for the hearing on appeal, give written notice to the appellant and any known adverse parties, or their representatives, of the time and place of the hearing.

In considering the appeal, the City Council shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Office of Parks & Recreation or require such changes or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria.

If the appeal is not finally disposed of by the City Council within (18) working days of the date of the decision by the Office of Parks & Recreation, said decision shall be deemed affirmed, and the permit appeal denied.

Should an appeal be filed during an officially declared City Council recess, the City Manager shall be authorized to appoint a Hearing Officer to hear the appeal and make a final determination on the appeal. All provisions of this section shall apply to such administrative appeal hearings, and the decision of the Hearing Officer shall be final.

- D. Fee. The appellant shall pay the fee established by the Master Fee Schedule of the City for tree removal permit appeals.

SECTION 7-6.082 APPEALS - NON DEVELOPMENT RELATED TREE REMOVAL PERMITS. Any person with standing as defined herein may appeal a non development related tree removal permit decision made by the Office of Parks & Recreation to the Park & Recreation Advisory Commission.

- A. Standing. A decision of the Office of Parks & Recreation with regard to a non development-related tree removal permit may be appealed by the applicant or the owner of any adjoining or confronting property. As used herein, the term adjoining shall mean immediately next to, and the term confronting shall mean in front or in back of.
- B. Venue. All such appeals shall be made to the Park & Recreation Advisory Commission. The decision of the Park & Recreation Advisory Commission shall be final.
- C. Procedure. The appeal shall be filed at 1520 Lakeside Drive within five (5) working days after the date of a decision by the Office of Parks & Recreation, and shall be made on a form prescribed by and filed with the Director of Parks & Recreation. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Parks & Recreation or wherein such decision is not supported by the evidence in the record.

Upon receipt of such appeal, the Director of Parks & Recreation shall set the appeal for hearing at the next available Park & Recreation Advisory Commission meeting.

The Director of Parks & Recreation shall, not less than five (5) days prior to the date set for the hearing on appeal, give written notice to the appellant and any known adverse parties, or their representatives, of the time and place of the hearing.

In considering the appeal, the Park & Recreation Advisory Commission shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Office of Parks & Recreation or require such changes or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria.

If the appeal is not finally disposed of by the Park & Recreation Advisory Commission within thirty (30) working days of the date of

the decision by the Office of Parks & Recreation, said decision shall be deemed affirmed, and the permit appeal denied.

Should an appeal be filed during an officially declared Park & Recreation Advisory Commission recess, the City Manager shall be authorized to appoint a Hearing Officer to hear the appeal and make a final determination on the appeal. All provisions of this section shall apply to such administrative appeal hearings, and the decision of the Hearing Officer shall be final.

- D. Fee. The appellant shall pay the fee established by the Master Fee Schedule of the City for tree removal permit appeals.

SECTION 7-6.083 APPEALS - CITY-OWNED TREE REMOVAL PERMITS. Any person with standing as defined herein may appeal a City-owned tree removal decision made by the Office of Parks & Recreation to the Park & Recreation Advisory Commission and the City Council.

- A. Standing. A decision of the Office of Parks & Recreation with regard to a City-owned tree removal may be appealed by the applicant or the owner of any adjoining or confronting property. As used herein, the term adjoining shall mean immediately next to, and the term confronting shall mean in front or in back of.
- B. Venue. All appeals shall be made to the Park & Recreation Advisory Commission. The decision of the Park & Recreation Advisory Commission may be further appealed to the City Council, whose decision shall be final.
- C. Procedure. The appeal shall be filed within five (5) working days after the date of a decision by the Office of Parks & Recreation, and shall be made on a form prescribed by and filed with the Director of Parks & Recreation. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Parks & Recreation or wherein such decision is not supported by the evidence in the record.

Upon receipt of such appeal, the Director of Parks & Recreation shall set the appeal for hearing at the next available Park & Recreation Advisory Commission meeting.

The Director of Parks & Recreation shall, not less than five (5) days prior to the date set for the hearing on appeal, give written notice to the appellant and any known adverse parties, or their representatives, of the time and place of the hearing.

In considering the appeal, the Park & Recreation Advisory Commission shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Office of Parks & Recreation or require such changes or impose such reasonable conditions of approval as are, in its judgement, necessary to ensure conformity to said criteria.

Any decision of the Parks & Recreation Advisory Commission may be appealed to the City Council.

Should an appeal be filed during an officially declared Park & Recreation Advisory Commission or City Council recess, the City Manager shall be authorized to appoint a Hearing Officer to hear the appeal and make a final determination on the appeal. All provisions of this section shall apply to such administrative appeal hearings, and the decision of the Hearing Officer shall be final.

- D. Fee. The appellant shall pay the fee established by the Master Fee Schedule of the City for tree removal permit appeals.

SECTION 7-6.09 EMERGENCY SITUATIONS. In case of an emergency in which a protected tree is in so dangerous a condition as to pose an immediate threat to safety or property, the Director of Parks & Recreation or the Director of Public Works, or their respective designees, shall be empowered to waive the requirement for a tree removal permit. Supervisory personnel for East Bay Municipal Utility District, Pacific Bell, Pacific Gas and Electric Company, and Alameda County Flood Control and Water Conservation District shall also be authorized to conduct emergency tree removal without a tree removal permit.

The removal of a protected tree under emergency conditions shall be reported to the Office of Parks & Recreation on the first business day following the emergency tree removal.

SECTION 7-6.10 EXEMPTIONS.

- A. City of Oakland. In situations which require the removal of hazardous trees located on city property, a tree removal permit shall not be required. Hazardous city trees shall be verified by city staff using the criteria contained in Chapter 7, Article 10 of this code (Hazardous Tree Ordinance).
- B. Other Public Agencies. A tree removal permit shall be required for removal of protected trees as defined in this Article, unless the Agency has previously and continuously demonstrated that it has adopted a vegetative management program that is consistent with the City's tree policies, as enunciated in this Code and the Oakland Comprehensive Plan. The Parks & Recreation Advisory Commission shall review the vegetation management plans annually or upon any major revisions to ascertain exemption status.

In accordance with the California Public Utilities Code, Rules 35 of General Order 95, reasonable clearance of branches, foliage or trees on Pacific Gas and Electric property to allow the safe and reliable operation of utilities shall be exempt from tree removal permit requirements.

- C. Court Mandated Tree Removals. A tree removal permit shall not be required for the removal of any protected tree mandated by a court

of law in accordance with Chapter 7, Article 8 of this code (View Preservation Ordinance) or Chapter 7, Article 10 of this code (Hazardous Tree Ordinance).

SECTION 7-6.11 ENFORCEMENT AND PENALTIES.

- A. Except in compliance with the terms of this Article, no person shall remove, damage, or endanger any protected tree in the City of Oakland.
- B. Any person violating any of the provisions of this Article shall be deemed guilty of an infraction.
- C. Park Rangers, Senior Park Rangers, Supervising Park Rangers, Senior Park Supervisor, Senior Tree Supervisor, Arboricultural Inspector, and Management Assistant (Parks) of the City of Oakland are authorized to enforce the provisions of this Article and, pursuant to the provisions of Section 836.5 of the California Penal Code, are further authorized to arrest without a warrant any person violating said Article.
- D. A violator shall be liable for all costs associated with the investigation and enforcement of this Article by the City of Oakland.
- E. In addition, a violator shall be required to provide replacement trees and/or fees, but not to exceed the value of the tree or trees illegally removed or damaged, as evaluated by the formula developed by the International Society of Arboriculture.
- F. An applicant or property owner who fails to comply with the provisions of this Article, or who violates said provisions, shall not receive a Certificate of Occupancy from the City for any project wherein such noncompliance and/or violations have occurred until such time as the provisions of this Article have been fully satisfied.
- G. The remedies set forth in Section 7-6.11(A), (B), (C), (D), (E), and (F) shall be considered alternative, and shall be in addition to any other remedies available to the City in law or equity.

SECTION 7-6.121 INVESTIGATION OF VIOLATIONS. When, in the opinion of the Tree Reviewer, a violation of this Article may have occurred, the Tree Reviewer shall investigate the alleged violation(s) and make written preliminary findings. If the preliminary findings suggest that a violation of this Article has occurred, the Tree Reviewer shall notify the alleged violator and/or property owner, if different than the alleged violator, in writing. The notice shall include a description of each alleged violation, and shall provide the alleged violator and/or property owner ten (10) working days in which to respond in writing, or to request a hearing before the City Council, or both. The notice shall also indicate that, if the alleged violator

and/or property owner do not respond within the ten (10) working day period, the preliminary findings of the Tree Reviewer shall become final, and the alleged violator and/or property owner shall become subject to the provisions of Section 7-6.131 and 7-6.132 of this Article.

SECTION 7-6.122 VIOLATION HEARING. If the alleged violator and/or property owner, pursuant to Section 7-6.121 of this Article, requests a hearing before the City Council, the date of the hearing shall be set within five (5) working days of the City's receipt of the request for a hearing. Written notice of the hearing, which may be continued from time to time, shall be given to alleged violator and/or property owner at least five (5) working days prior to the hearing.

At the hearing, the alleged violator and/or property owner shall have the burden of disapproving the preliminary findings of the Tree Reviewer. In the event any party requesting a hearing fails to appear, the decision of the Tree Reviewer shall become final, and the violator shall be subject to the provisions of Sections 7-6.131 and 7-6.132 of this Article.

At the close of the hearing, the City Council, using the evidence in the record, shall determine whether any violations of this Article have occurred. The decision of the City Council shall be supported by written findings, and shall be final. A copy of the City Council's findings shall be served on the alleged violator and/or property owner.

In any case in which the City Council determines that a violation has occurred, the violator shall be subject to the provisions of Sections 7-6.131 and 7-6.132 of this Article.

SECTION 7-6.131 COST OF TREE REMOVAL PERMIT VIOLATION INVESTIGATION, ENFORCEMENT, AND REPLACEMENT PLANTINGS A LIEN. The costs outlined in Section 7-6.11 above shall constitute a special assessment against the real property whereupon a tree removal permit violation has been investigated, confirmed and enforced. Said costs shall be itemized in writing in a Report of Assessment. The Director of Parks & Recreation shall cause a copy of the Report of Assessment to be served upon the owner of said property not less than five (5) days prior to the time fixed for confirmation of said assessment; service may be by enclosing a copy of the Report of Assessment in a sealed envelope, postage prepaid, addressed to the owner at his/her last known address as the same appears on the last equalized assessment rolls of the City of Oakland, and depositing same in the United States mail; and service shall be deemed completed at the time of deposit in the United States mail.

A copy of the Report of assessment shall be posted in the Office of Parks & Recreation at least three (3) days prior to the time when the Report will be submitted to the City Council. After the assessment is made and confirmed, it shall be a lien on said real property.

Such lien attaches upon recordation in the Office of the County

Recorder, Alameda County, by certified copy of the resolution of confirmation. After confirmation of the Report, a certified copy shall be filed with the County Auditor, Alameda County, on or before August 10. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the County tax rolls opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes.

SECTION 7-6.132 NOTICE OF LIEN, TREE REMOVAL PERMIT VIOLATION INVESTIGATION, ENFORCEMENT, REPLACEMENT PLANTINGS. The lien mentioned in Section 7-6.131 shall take the following form:

NOTICE OF LIEN

Pursuant to authority vested in me by Resolution No. _____ C.M.S., of the Council of the City of Oakland, passed on the _____ day of _____, 19____, and the provisions of Article 7, Chapter 6, of the Oakland Municipal Code, I did, on the _____ day of _____, 19____, initiate a tree removal permit violation investigation, an enforcement of this Article, and replacement plantings to be made at the location hereinafter described at the expense of the owners thereof, in the amount of \$_____, and that said amount has not been paid nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter described real property in said amount; the same shall be a lien upon the said property until said sum with interest thereon at the legally allowable rate from the date of the recordation of this lien in the Office of the County Recorder of the County of Alameda, State of California, has been paid in full. The real property hereinafter mentioned and upon which a lien is claimed in that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows, to wit:

(Insert description of property)

Dated this _____ day of _____, 19____.

Director of Parks & Recreation
CITY OF OAKLAND

SECTION 7-6.14 CONSTRUCTION AND SEPARABILITY. If any provision of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article and the application thereof to other persons or circumstances shall not be affected thereby.

SECTION 7-6.15 LIABILITIES.

- A. The issuance and exercise of a permit pursuant to this Article shall not be deemed to establish any public use or access not already in existence with regard to the property to which the permit is applicable.
- B. The issuance of a permit pursuant to this Article shall not create any liability of the City with regard to the work to be performed, and the applicant for such permit shall agree to hold harmless the City and its officers and employees from any damage or injury that may occur in connection with, or resulting from, such work.

SECTION 3. This Ordinance shall become effective two months from the date of its adoption.

SECTION 4. This Ordinance shall be reviewed as to its effectiveness by the City Council eight months from the date of its adoption.

SECTION 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application of such provisions shall not be affected thereby.

I certify that the foregoing is a full, true and correct copy of an Ordinance passed by the City Council of the City of Oakland, California, on JUL 30 1991

ARRECE JAMESON
City Clerk

Per

K. A. 9 N. 10

Deputy

U.C. BERKELEY LIBRARIES



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